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THE
KINGDOM PAPERS

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THE KINGDOM PAPERS NO 1.

CANADIAN INDEPENDENCE

CANADIAN INDEPENDENCE(a)

(In order to draw attention to the purpose for which quotations are employed, italics not appearing in the original, are sometimes made use of.)

SOME differences of opinion are radical, fundamental and irremovable. Argument upon them is useless, and controversy harmful. Many other differences are mere misunderstandings. They are not real, but only seeming differences; and all that is needed for agreement is patience, intelligence, and clear statement—principally the last of these. In which of these classes of cases is the subject of Canadian Nationalism? Is disagreement as to it fundamental and irremovable; or is difference of opinion due to misunderstanding and confusion of thought?

I am a Canadian nationalist. I may be doing you injustice, but I shall assume that a majority of you are not—that you would call yourselves imperialists. And the question that I wish to discuss is, whether there is any substantial difference between us? Or, perhaps, the better question would be: Is there any reason why an imperialist should not be a Canadian nationalist? I am firmly persuaded that there is no such reason. And I feel certain that, if I can but clearly state the case, you will all agree with me. I do not mean that I shall be able to persuade any imperialist to abandon his desire for imperial federation or any other form of imperial political union; but I do believe that I can offer good reasons why such desire should not, meanwhile, be permitted to obstruct Canada's upward progress to nationalism. At all events, I shall urge nothing dogmatically. All that I ask is careful consideration of what I shall submit to you.

(a) The substance of this paper was delivered as a lecture in February, 1911, before the Canadian Clubs at London, Brantford, Hamilton and Kingston; the Women's Club at Kingston; and the Political Economy class at Queen's College.

And first let me point out that we are all learning to speak—and to speak with pride—of Canada as a "nation." We do not like the word "colony." It connotes subordination, and subjection, and humiliation. We do not like that. We feel that we are big enough to manage our own affairs. Moreover we do manage them, without interference from anybody. "Canada is no longer a colony. Canada is a nation"; that language is, I say, becoming not only common but acceptable. And I submit to you that every man is a Canadian nationalist who asserts, with pride, that Canada is, or ought to be, a nation.

Now, probably, there is not a man in this room who would send Canada back to her colonial days; who would tolerate the exercise of controlling authority by our Governors-General; who would receive with submission, or accept without resentment, any appearance of dictation from the Colonial Office. Every one of you is in favor of Canadian self-government. Everyone is in favor of Canada being a nation. Well, that is what I call Canadian nationalism. At the close of an address which I had the honor of delivering before the Canadian Club in Halifax, an ardent imperialist, in moving a vote of thanks, dissented vigorously from the idea of Canadian independence, but added that he was entirely in favor of self-government. "If," he said, "there is any minutest particular in which our powers of self-government are not complete, let us insist upon having it." In reply, I pointed out that the speaker and I were in absolute accord. He advocated complete self-government; and that, of course, is independence. The two words "self-government" and "independence" mean precisely the same thing.

The Halifax gentleman and I cordially agreed that in all matters—in every matter, great or small, the Canadian people shall govern the Canadian people—our parliaments, elected by our electors, and not the British parliament elected by other electors, shall make our laws and regulate our actions. Would it not be, in the last degree, absurd that Canadian affairs should be included in the medley of House-of-Lords, Home-Rule, Dis-establishment, Licensing, Education, Land-taxation questions that at the present time are being submitted to the British and Irish electors? I need not dwell upon the point. I feel sure that, as to it, there is not a dissentient in the audience.

But there are three qualifications which must, for the present at least, accompany what I have been saying:—(1) As a matter of theory and dry constitutional law, we cannot say that we possess complete powers of self-government. Nominally, the British Parliament has authority not only to override all our laws, but, if it so

wish, to cancel our constitution and abolish all our parliaments. Such authority is, however, purely nominal. It is of the same character as the King's theoretic right to veto bills passed by the British parliament—a right that practically does not exist. (2) Our constitution being a British statute, we cannot amend it. Amendments are made, however, from time to time, at our request and according to our desires. Practically we have control. (3) Our jurisdiction is limited to the extent of our territory. That is, of course, very largely true of all other nations, but there are some technical points of difference between us and the United Kingdom in this respect. Such points, are, however, outside the scope of ordinary legislation. Really, and indubitably, Canada's power of self-government is complete and indisputable. No one imagines that, constitutionally, she can, in any way, be interfered with.

Now I am perfectly aware that some of you, a very few of you, I should think, will not readily accept this conclusion. I must therefore, elaborate the idea and follow it into its details, before I can expect unanimous assent to it. For this purpose, let me divide the subject, and enquire more minutely into the nature of our present constitutional position.

In the first place, I suggest to you that we are fiscally independent. By that I mean that we make our own tariffs; that we frame them as we wish; that we tax British, and other goods as we please; and that neither the Colonial Office nor the British parliament has any right whatever to interfere. That, of course was not always the case. Until the middle of the last century our tariffs were made for us, and they were made not in our interest but in the interest of the United Kingdom, as is the Indian tariff to-day. Our trade was a British monopoly from which other nations were excluded. Our raw material went to but one market. Our purchases of manufactures were made in England, and not elsewhere, no matter what the difference in cost. No ships but British ships entered our ports.

The advent of free-trade in the United Kingdom ended the prohibitions, and we commenced (1859) the regulation of our own tariffs. Naturally enough, the British manufacturer did not like our methods, and the Colonial Office intervened and threatened to disallow our statute. The threat brought plucky reply from the Canadian Government:—

"Self-government would be utterly annihilated if the views of the Imperial Government were to be preferred to those of the people of Canada. It is, therefore, the duty of the present government distinctly to affirm the right of the Canadian legislature to adjust the taxation of the people in the way they deem best, even if it should unfortunately happen to meet the disapproval

of the Imperial Ministry. Her Majesty cannot be advised to disallow such acts, unless her advisers are prepared to assume the administration of the affairs of the colony, irrespective of the views of its inhabitants." (Can. Sess. Papers, 1860, No. 38.)

Again in 1879, when Sir John A. Macdonald's "National Policy" was adopted, and additional duties were placed upon British manufactures, came suggestions of intervention. But these assumptions of right to interfere with the Canadian tariff have completely disappeared, and Canada is to-day, admittedly and undoubtedly, fiscally independent.

Canada is also legislatively independent. In former times her statutes were freely disallowed by the Colonial Office (*a*). Interference gradually became less frequent, but it was not until within the last twelve months that we succeeded in obtaining the removal of the embargo upon our legislation respecting copyright. That was the last subject with respect to which the British parliament retained control over us, and it was a control maintained for no better reason than British dread of offending the United States. That country refused us copyright of our writings in their territory, unless we set the type of our books in their printing offices. We wished to retaliate, and the Colonial Office would not permit us to do so. American books were fabricated entirely in the United States, and copyright in Canada was obtained, by sending two copies to Stationers' Hall in London. That was, and is, absurdly unfair. Canadian remonstrance (urged most strongly by Sir John Thompson in 1888) has at last been successful; and a bill is now being passed at Ottawa, with the assent of the British Government, assuming jurisdiction over the subject. That was the last of our very many struggles for legislative independence. We now have it in unquestioned plentitude. No one disputes it.

We have fiscal independence, and legislative independence; and we have also executive independence. Originally our Governors were executive agents of the Colonial Office. Now, our Governors stand in the same relation to Sir Wilfrid, as the King stands to Mr. Asquith. As late as 1875, our Governor-General asserted a right to exercise his discretion as to the disallowance of provincial legislation, and also as to the pardoning of prisoners. Still more recently, Lord Minto claimed certain personal authority in connection with

(*a*) Mr. Keith, (of the Colonial Office) in his book "Responsible Government in the Dominions," (p. 3) says:

"The control exercised over colonial enactments by Downing Street was minute and irritating; its extent may be judged that in the years from 1836 to 1864, of which about twenty fall in the period of self-government, no fewer than 341 Bills were reserved under the Royal Instructions, in the North American Colonies alone, and forty-seven of these Bills, for one reason or another, never received the Royal Assent at all."

our militia, and provoked a controversy which led to the recall of General Hutton. That was, and will probably remain, the last of the pretences of our Governors to regulate Canadian affairs. Canada is a constitutional monarchy. Neither the Colonial Secretary, nor (let it be said respectfully) even His Majesty himself, has any right to impose his will upon us. As Sir Wilfrid has well said:

"We are under the suzerainty of the King of England, and we bow the knee to him, but the King of England has no more rights over us than are allowed him by our own Canadian Parliament. This is the view of our relations to the Throne held by all true loyal British subjects."

Next, as to our judicial situation: We still permit appeals to the British Privy Council. But we can put an end to them if we wish, and we are, therefore, independent in this respect also. We ought to decide our own cases; for there can hardly be a more humiliating confession of national impotence than that involved in the submission of the decisions of our own judges to the review of men who cannot be, and are not, as well fitted as Canadians to settle Canadian questions.

Canada then is independent fiscally, legislatively, executively, and judicially. What is her position with reference to foreign countries—first, during peace, and secondly, as to war?

Formerly all our communications with foreign countries were conducted by the British Foreign Office, and treaties binding upon us were made without consultation with us. It was not until 1878 that we obtained a declaration that we were not to be bound without our assent; and, in 1879, we were still refused permission to take part in the negotiations of treaties in which we were to be interested.[1] In 1884, Sir Charles Tupper succeeded not only in having himself associated with Sir Robert Morier in negotiating a treaty with Spain, but in having delegated to him the actual work. Again, in 1893, he was associated with Lord Dufferin in negotiations with France, and did the work. Notwithstanding these facts, the Foreign Office afterwards, in 1895 (28th June), declared that:

"To give the colonies the power of negotiating treaties for themselves without reference to Her Majesty's Government would be to give them an international status as separate and sovereign states, and would be equivalent to breaking up the Empire into a Number of independent States;" that "the negotiation must be conducted by Her Majesty's representative at the Court of the Foreign Power, who would keep Her Majesty's Government informed of the progress of the discussions and seek instructions from them as necessity arose;" but that "it would be desirable generally . . . that he should have the assistance,

[1]Sir John A. Macdonald's participation in the negotiations of 1871 was an exception to the rule.

either as a second plenipotentiary or in a subordinate capacity, as Her Majesty's Government might think the circumstances require, of a delegate appointed by the Colonial Government."

"Breaking up the Empire" by liberating Canada from subordination has, however, never had any terrors for Canada, and, now, we negotiate treaties as we like. In 1907, the Foreign Office, in connection with the French negotiations, practically acknowledged the situation. In that year, Sir Edward Grey, writing to the British Ambassador at Paris and referring to what I have just quoted, said:

"I do not, however, think it necessary, to adhere in the present case to the strict letter of this regulation, the object of which was to secure that negotiation should not be entered into, and carried through, by a colony unknown to and independently of His Majesty's Government. The selection of the negotiator is principally a matter of convenience, and in the present circumstances it will obviously be left to Sir Wilfrid Laurier and to the Canadian Minister of Finance, who will doubtless keep you informed of their progress."

The great advance in 1907, from the position won for us by Sir Charles Tupper in 1893, was referred to by Mr. Balfour in the British House of Commons on the 21st July last (1910). He quoted the despatch of 1895 (my first extract) and added:

"That was the radical policy in 1895. It was not the radical policy, and in my opinion it was rightly not the radical policy in 1907—12 years later. The Dominion of Canada, technically, I suppose, it may be said, carried on their negotiations with the knowledge of His Majesty's representative, but it was a purely technical knowledge. I do not believe that His Majesty's Government was ever consulted at a single stage of those negotiations. I do not believe they ever informed themselves, or offered any opinion, as to what was the best policy for Canada under the circumstances. I think they were well advised. But how great is the change and how inevitable! It is a matter of common knowledge—and, may I add, not a matter of regret but a matter of pride or rejoicing—that the great Dominions beyond the seas are becoming great nations in themselves. Integral parts, they are, of the British Empire; but, nevertheless, claiming, and rightly claiming to have reached the adult stage in the process of social growth, and requiring no longer to lean in the same way upon other parts of the Empire, as was fitting and proper in the earlier days of their existence."

In late years, Canada has carried on negotiations with France, Germany, Italy and the United States, quite independently of either the Colonial or the Foreign Offices; and our Government does not see any reason for keeping either Office informed as to what it does. Mr. James Bryce, the British Ambassador at Washington, delights to speak of himself as the "Ambassador of Canada" also. From a practical standpoint, Canada is diplomatically independent.

Two incidents of recent occurrence strongly emphasize the fact of our diplomatic independence. The first is the order of King George that, at the Coronation, the representatives of the "Dominions" are to be accorded rank with the representatives of foreign nations. The other incident is the invitation extended by President Taft to the Canadian delegates at Washington to be present as guests at the diplomatic dinner in the White House.

"The effect," as the *Toronto Globe* very aptly said, "is to proclaim to the assembled ambassadors of foreign nations that the Dominion of Canada is sufficiently a 'nation' to be regarded as not out of place among the real ones."

Canada is also independent with reference to that most important subject, war. In the old days, our Governors controlled our militia, appointed the officers, and issued the marching orders. Lord Minto imagined that the Governor-General still retained certain authority, and would have lost his place had he not been willing to accept the contrary view.

Canada has plainly asserted her independence with reference to British wars. (You will observe that I am not at all referring to the action which Canada would take in the event of a British war. I am proving merely that Canada may do as she pleases. Any credit that she got in connection with the Boer war was rightly hers, only because her action was purely voluntary.) At the Colonial Conference of 1902, Mr. Chamberlain put directly to the Colonial Prime Ministers the question: What contingents will the colonies send in case of a European war? Canada and Australia replied that the matter would be considered "when the need arose."

Since that date, Sir Wilfrid Laurier has declared in the House of Commons that Canada may, or may not, take part in British wars. And in a speech at Montreal (10th October, 1910) he said:

"Does it follow that because we are exposed to attack we are going to take part in all the wars of the Empire? No. We shall take part if we think proper; we shall certainly take part if our territory is attacked" (*a*).

There are two other points to be noticed in this connection. In the first place, can we declare war? Of course we can. We can commit an act of war to-morrow, if we so wish. There is very little

(*a*) This is the doctrine of the Colonial Office, as well as of Canada. In discussing the suggestion that a Governor-General has a right to over-rule his Ministers upon matters relating to war, Mr. Keith (of the Colonial Office) in his book "Responsible Government in the Dominions," (p. 198) said that that "would involve the theory that the Imperial Government could insist on colonial forces taking part in a war, a doctrine opposed to the fundamental principles of self-government, which leaves it to a colony to decide how far it will participate in wars due to imperial policy."

likelihood of our doing it. We have the power to do it—that is my point. Secondly, what is our position in case the United Kingdom is at war? With reference to a situation of that sort, are we independent? That is, can we do as we wish? To this extent, we can: We may decline to take part. It would then be optional with Britain's enemy whether to attack us, or to treat us as a neutral. If we were attacked we should have to fight. But the enemy (unless it were the United States) would most probably be only too glad to leave us neutral. Practically, therefore, the decision as to our participation in any war (except with the United States) would rest with us. And in no case need we fight unless we are attacked. No country in the world is any more independent than that.

I have now dealt with all classes of our national activities. Practically we are in all respects independent: as to our fiscal relations, as to legislation, as to government, as to litigation, as to treaties and as to war. Theoretically, we have no independent power. Practically, we are independent, and may do as we please.

And now let me point out that not only is this true, but that all British statesmen acknowledge it as an existing fact. Fortunately, the situation is not (as in the case of the United States in 1776) one of assertion on our part, and denial by the imperial parliament. Upon the contrary, British statesmen quite freely, and frankly, apply the word "independent" to us, whereas, curiously enough, it is some of our own people that rather shy at it. Let me give you some quotations in proof of what I say. Mr. Joseph Chamberlain has said:

"How are we to bring these separate interests together; these states which have voluntarily accepted one Crown and one Flag, and which, in all else are *absolutely independent of one another*" (26th June, 1905).

"The time has gone by when we could treat them with indifference, when we could speak of them as though they were subject to our dictation. *They are self-governing nations. They are sister-States. They are our equals* in every thing except population and wealth; and very quickly you will find that they will equal and surprise us in these respects." (2nd January, 1906).

Mr. Arthur Balfour has said:

"We have, therefore, a great experiment to carry out, the experiment of retaining in our Empire, *communities which must each be left unhampered, untramelled, unimpeded, to follow its own laws and destiny, and development.* (April, 1907.)

Upon another occasion (10th June, 1909) Mr. Balfour said:

"There was a time when the relations between the mother country and the offspring of the mother country were those of parent and child. No politician

to-day holds that view. Everybody as far as I know, recognizes that the *parental stage is past. We have now arrived at the stage of formal equality and no one wishes to disturb it.*"

Lord Curzon said:

"In the economy of the imperial household we were dealing not with children, but with grown men. At our tables were seated, not dependants or menials, but partners as free as ourselves, and with aspirations not less ample or keen." (11th December, 1907.)

These are all unofficial utterances. At the Colonial Conference in 1907, the British Prime Minister (Campbell-Bannerman), officially addressing the colonial Prime Ministers, said:

"We found ourselves, gentlemen, upon *freedom and independence—that is the essence of the imperial connection.* Freedom of action in their relations with one another and with the mother country."

And Mr. Asquith (then Chancellor of the Exchequer) said:

The special feature of the British Empire has been that it has combined, and succeeded in combining in a degree unknown in any other combination in history, a loyal and affectionate attachment between the centre and parts of the Empire, and between the various parts themselves, with *complete practical independence.*"

Mr. H. J. Mackinder, a strong British imperialist who lectured in Canada in 1908 delivered an address upon his return to London, and is thus reported in the *Standard of Empire*:

"In the course of his remarks Mr. Mackinder said that two facts which those who were concerned with the building up of Empire must reckon with in Canada were a *spirit of triumphal nationalism and a spirit of manly independence.*"

Another British militant imperialist who lectured in Canada, Mr. Howard d'Egville, addressed to us the following language:

"Yet, I think we in the old country understand and sympathize with you in your loyalty to your own land. England has ceased to regard her Colonials as children. *She recognizes that they are Powers in themselves.*"

Mr. P. D. Ross of Ottawa, a member of the Imperial Press Conference of 1909, which was addressed, as he said, by:

"Practically every big man in England in the political line, every big man in the newspaper line, many of the great Generals and Admirals, and a good many of the leading men in industry and commerce."

told the Empire Club at Toronto that,

"Many of those speeches dealt with the question of colonial relations with the mother country, but we heard no one in England who did not consider the relations of the colony to the mother country to be *the relations of equals.*"

The opinion of Sir Wilfrid Laurier is well known. To him, more than to any other man are we indebted for our present familiarity with the assertion that Canada is a nation. Mr. R. L. Borden, far from challenging the statement, himself uses such language as this:

"While recognizing our duty to the Empire, we respectfully maintain that Canada in all essential details must be accorded freedom of judgment *as free and unfettered as that exercised by any other portion of the Empire, even by Great Britain herself.*" (24th September, 1907.)

In very truth, therefore, we may say that not only is Canada practically independent, but that no one wishes her to be, or pretends that she is, anything else. The only real link, besides strong mutual sympathy—the only legal, or political, or constitutional, link that now connects Canada to the United Kingdom—is the Crown. That link is the only one that has never been attacked by a Canadian Government. No one thinks of attacking it now, or of weakening it. "God save the King" is more frequently, and more enthusiastically, sung in Canada than in Britain itself. When we sing it, let it remind us that the Crown is *the only political link* that exists between the United Kingdom and Canada.

Let me give you some authority upon this point: An excellent recent writer upon colonial matters, Mr. George L. Beer, has said ("British Col. Policy," page 310):

"At the present day, parliament is still the sovereign legislature for the entire British Empire. This legal omnipotence is however largely theoretical, and is so contradictory to the prevailing facts that many have adopted the view advanced by the Americans four generations ago. Thus, Lord Rosebery recently spoke of Canada and Australia as being 'united to the mother country by the Crown' (London Times Weekly ed. xxxi, p. 199). Similarly Herbert Paul speaks of the Colonies as 'united by the golden link of the Crown' (History of Modern Eng. v. p. 101)."

Listen to the language of the *Standard of Empire* itself (4th June, 1909):

"Leaving theory and legal figments alone, an Oversea State of the British Empire is *an autonomous nation.* Of its own internal affairs, its people are masters, precisely in the same sense as the people of Great Britain in regard to their affairs. The King is King of the United Kingdom of Great Britain and Ireland, and of the Dominions beyond the Sea. That is to say, in Australia he is King of Australia, and *in Canada he is King of Canada.* In each of these Dominions, he acts by, and with, the advice of His Privy Council—that is to say, his

Cabinet—appointed by the local electorate and legislature. In dealing with a local act, the King, or his Vice Regent, is *advised by his local Prime Minister, not by his Ministers in Downing Street.*"

After referring to the anomalous state of the relation between mother country and colony, and the fact that the British instinct of government "does not occupy itself over much with exact logic," the *Standard of Empire* proceeded:

"Still we are not sure that there is any particular advantage in carrying illogicality and informality to the altitude it has reached under our present imperial system. In fact, all the articles we have recently published on Empire governance are an argument in favour of more precise methods. If the Empire is to be properly organized, it must be on *something like a scientific basis, in which terms and phrases do correspond with some closeness to the reality.*"

That is all I ask. Such quotations might be extended indefinitely; but I need not further multiply them. I feel sure that I have satisfied you. Not one of you would wish for the restoration of Downing Street rule. Not one would submit to our tariff being imposed upon us from London. Every one acknowledges allegiance to King George. May I not say then that every man amongst you agrees to Canadian nationalism, when Canadian nationalism is understood as the equivalent of COMPLETE SELF-GOVERNMENT WITH KING GEORGE AS OUR SOVEREIGN?

But you have a question that you want to put to me: "Does Mr. Ewart advocate complete separation from the Empire?" In reply, I say that I no more advocate separation from the United Kingdom, or other parts of the Empire, fiscally, legislatively, or governmentally, than geographically. Every one of them is an accomplished and irreversible fact. And the question that I return is: Does anybody advocate anything else? Does anyone desire that any fragment of our independence should be surrendered? Do not ask me, therefore, if I advocate separation. From the earliest days of our colonial history until very recently, we did struggle for self-government. No one need advocate it now. We have it; and we intend to keep it; and indeed, no one even suggests that we should part with it.

"But does Mr. Ewart advocate breaking up the Empire?" The answer is the same as I have just given. I advocate nothing of the kind. It would be absurd to do so, for, as far as Canada is concerned, the Empire—speaking politically and precisely—is already broken up; and no one proposes that it should be re-established, at all events in its original form. While Canada was a colony of the United Kingdom, Canada was a British possession. She was a part of the

world governed by the British parliament, and she was, therefore, part of the British Empire. Now, practically, she is not. She is a separate and independent state. She is not governed by the British parliament. She has no political connection with the United Kingdom except that they have the same King.

I am, of course, using the word "Empire" in its political sense. England, Scotland and Ireland are politically united. They are not the Empire—they constitute the Kingdom of Great Britain and Ireland. The British Empire consists of that Kingdom, plus such parts of the world as are subject to its control. The British parliament rules the British Empire, or in other words, the Imperial Parliament has legislative control over the Empire—and you can readily ascertain whether or not Canada is a part of the Empire, by asking whether or not Canada is subject to Imperial control. The theoretical answer is of course, in the affirmative; but the real reply is a negative (*a*).

The nature of the present legal relation between the two countries is very simple. Each is a kingdom, and both have the same King. Neither has any authority over the other. In other words, the relation is the same as that which existed between England and Scotland from 1603 to 1706; and between Great Britain and Hanover from 1714 to 1836, two Kingdoms and one King. That would be still the relation between Great Britain and Hanover, had not the Hanoverian Salic law prohibited a female sovereign. The separation took place when Victoria became Queen of England. You will observe that two countries, related in this way, cannot be spoken of as constituting an Empire. No one would be understood if he spoke of England and Scotland, and of Great Britain and Hanover, during the years just mentioned, as constituting an Empire. They were separate Kingdoms. The United Kingdom and Canada are not now parts of the same Empire. They are ASSOCIATED KINGDOMS.

Please do not imagine that the ideas which I am expressing are new, or that they have been originated by me. I am well aware that the language which I have been using is not familiar in Canada. In England, the point is much better understood. Lord Milner, for example, writing in the *Standard of Empire* (23rd May 1908) said:

"The word 'Empire' has in some respects an unfortunate effect. It, no doubt, fairly describes the position as between the United Kingdom *and subject countries such as India or our Central Africa possessions.* But for the relations existing between the United Kingdom and the self-governing colonies it is a *misnomer*, and with the idea of ascendancy, of domination inevitably asso-

(*a*) This point will be developed more completely in No. 2 of the Kingdom Papers.

ciated with it, *a very unfortunate misnomer.* No doubt, we in this country have long ceased to think of the great British dominions beyond the sea as subject to the United Kingdom, or to expect or desire them to subordinate their own interests to those of the mother-country. Modern imperialists cherish a very different ideal. But in the younger communities this is not always recognized. Witness the unprofitable discussion which breaks out from time to time, especially in Canada, over the question of 'loyalty' to the mother-country. Rightly regarded, there is just as much, or as little, reason for Great Britain to be loyal to Canada as for Canada to be loyal to Great Britain."

"One thing alone is certain. It is only on these lines, *on the lines of the greatest individual development of the several states, and* their coalescense, *as fully developed units,* into a greater Union, that the Empire can continue to exist at all. The failure of the past attempts at Imperial organization is due to our imperfect grasp of the idea of the wider patriotism. In practice, we are always slipping back to the antiquated conception of the mother-country as the centre of a political system with the younger states revolving round it as satellites. *Against that conception, the growing pride and sense of independence of the younger states revolt*" (*a*).

Mr. Joseph Chamberlain has frequently made use of similar language. On 17th May, 1905, he said:

"Ours is an Empire, an anomalous Empire. It really is a collection of states which are not bound together by anything more than mere sentiment."

Sir Frederick Pollock, one of the leading English jurists said (Part of it has since become untrue):

"Leave the conventions alone and look at the facts, and we find that the 'self-governing colonies' are, *in fact, separate kingdoms having the same King as the parent group,* but choosing to abrogate that part of their full autonomy which relates to foreign affairs. . . . The House of Commons could no more venture to pas s a Bill altering the Australian marriage laws, or the Canadian tariff, than the Dominion parliament could legislate on London tramways. *The sovereignty is a figment.* The *States of the Empire stand on an equal footing,* except that the Government of one of them represents all the rest of the community of nations, and is gracefully permitted, in consequence, to undertake and pay for maritime defence."

"What is an Empire?"

Here then, we have the first of our Imperial anomalies. It is difficult to define what the realm is. *We call it an Empire, for convenience;* but that imperium, the power of sovereignty, the right residing in some quarter to issue a command which must be obeyed, resides nowhere. It is not a federation, for there is no federal unit; it is not merely an alliance in perpetuo. It would be hard to define it if we had to deal only with Britain and the self-governing states."

(a) That is one of my objections to the Overseas Club. Canada is not in the distant "overseas." To us, the United Kingdom is overseas. Canada is our home.

The writer then proceeds to show that the association between the United Kingdom and its legislative dependencies in many parts of the world—India, Africa, etc., constitutes an Empire, *because these places are legislatively subordinate to the dominating authority in London.*

Mr. R. L. Borden has said that:

> "The British Empire, in some respects, is a mere disorganization" (*a*).

If, then, we are to use "terms and phrases" "with some closeness to the reality," we must say that Canada is not a colony; that Canada is not a part of the British Empire; and that Canada and the United Kingdom are separate Kingdoms, under the same King. How did Canada emerge from her colonialism? And who is responsible for it? The story is much too long for narration in one lecture, and the names too many; but I can at all events, remind you of a few of the more prominent of our nation-builders.

And first I must mention the names of Louis Joseph Papineau and William Lyon Mackenzie. Not that I would have you understand that I approve of all that those men did, for I do not; but I do say that but for their protests against government by such Governors as Sir Francis Bond Head and Lord Gosford, and but for their assertion of our right to govern ourselves, the introduction of responsible government would almost certainly have been indefinitely postponed.

The next name that I give you is that of Lord Durham. I do not ascribe unqualified praise (as is somewhat usual) to his famous report. On the contrary I regard some of its recommendations as mistaken. But so far as he refers to the constant state of quarrel between the Assemblies and the Governors, and to the necessity for the introduction of responsible government, he was undoubtedly right. He said:

> "The powers for which the Assembly contended appear in both instances to be such as it was perfectly justified in demanding. . . . It is difficult to understand how any English statesman could have imagined that representative, and *irresponsible*, government could be successfully combined."

And next I mention Lemuel Allan Wilmot of New Brunswick, and the still greater Joseph Howe, of Nova Scotia, whose magnificent championship of responsible government will always give him an honoured place among the builders of Canadian nationality.

And next, Robert Baldwin, who forced the hand of Lord Sydenham; and who in conjunction with Louis Lafontaine won a most

(*a*) *Hansard*, 1910, p. 1747.

important victory over Sir Charles Metcalfe in connection with the right of our government to appoint its own officials.

And next Sir John A. Macdonald, Sir George E. Cartier, and Sir A. T. Galt, who, in 1859, told the Colonial Office that it would have to take charge of the whole government of Canada if our tariff bill was disallowed. Later (in 1866) Sir John attempted a splendid *coup* when he proposed that our constitutional title should be "The Kingdom of Canada" instead of "The Dominion of Canada" (a proposal that was rejected by Lord Derby for fear of affecting the supposed susceptibilities of the United States). And Sir John did well when he inserted in the Speech from the Throne delivered to the first Federal Parliament (1867), congratulations upon the passage of the Federation Act:

> "Under the provisions of which we are now constituted, and which has laid the foundation of a new nationality."

And next, Sir Charles Tupper, to whom we are indebted for various things: leadership in the refusal to subscribe to the British Navy; the institution of a Canadian flag; the right to negotiate our own commercial treaties.

And next, Edward Blake who withstood the claim of the Governor-General to exercise the prerogative of pardon, and to disallow provincial legislation.

And next Messrs. Fielding and Brodeur who carried our right to negotiate our own commercial treaties to completion; and Mr. Sydney Fisher who terminated our legislative disability in connection with copyright.

And next Sir Wilfrid Laurier. Few know the full extent of our debt to Sir Wilfrid. I shall not attempt a statement of it. His work at the Colonial Conference (where our political relations were often under discussion, and our independence sometimes in danger) could have been accomplished only by one of the most remarkable men of our time.

These men (besides many others) are those who have built up Canada's political independence, and who have finally reduced Canadian political connection with the British Empire to allegiance to the same King. And these men were right. We would not undo one of their acts. We would not give up one of the powers which they secured for us. Let us acknowledge our indebtedness to them. And let us evince our appreciation of what they did by completing their work. Some Canadian club will some day claim the honor of having been the first to advocate the higher Canadianism.

The next questions very naturally, are these: If Canada really is practically independent, what more do we want? and why do we want it?

Gentlemen, I venture to say that what we want is what we have earned, namely, the title which properly describes us. We want our position acknowledged, not merely by individual British statesmen, but officially by the British parliament. If we have ceased to be a colony, we want to drop the word. If we are really a kingdom, we want that title as our designation. If we are equal in authority with the British parliament, we want that great achievement acknowledged. I, for one, see no reason why we should continue to be called a colony, or a "dominion beyond the seas," when in reality, we are nothing of the kind. I can understand a man ambitious of a designation superior to that to which he is entitled. I do not understand why anybody should be anxious to grovel along under a title inferior to that which he has properly and creditably won. Are we a nation? If so, let us say it officially, as well as unofficially. I entirely agree with Professor Leacock, the Rhodes Imperialistic Missionary, when he says:

"The colonial status is a worn-out, by-gone thing. The sense and feeling of it has become harmful to us. It limits the ideas, and circumscribes the patriotism of our people. It impairs the mental vigor, and narrows the outlook of those that are reared and educated in our midst."

For my part I dislike, most heartily, any badge of inferiority. In official documents we are styled "colonies," or "self-governing dominions," or "self-governing dependencies," or "our self-governing possessions" or "our over-sea dominions" (Cd. 5273, pp. 141, 179, 213); and a Bill recently introduced into the British Parliament had for its title "Marriage with Colonials (Facilities) Act 1907." It is customary, too, in England to use language indicative of ownership of us. For example, in a very recent and valuable book by Sir Cyprian Bridge on "Sea-Power and other Studies" there occur the following passages:—

"The magnitude of *our colonial domain*, and especially the imposing aspects of some of its greater components, the Dominion, the Commonwealth" etc. (p.249)

"In thinking of the great daughter States we are liable to forget these naval bases (Halifax and Esquimault), yet *our possession of them* strengthens our naval position."

I dislike that language. I resent it. I want to end it. I am not satisfied that Canada should occupy a place in the world inferior to that held by dozens of nations who cannot compare with her in

wealth, strength, or intelligence. At international councils, Canada has no place, although all the little Republics of Central America and the comparatively insignificant kingdoms of Europe take rank there as though they were of some importance in the world. Montenegro, with less than half a million of inhabitants is a Kingdom; and so is Iceland. Canada is a colony (*a*).

And, gentlemen, I may say to you that the more reflective of the Imperialists not only agree in the reasonableness of dropping the word "colony" and of recognizing Canadian aspirations, but, as you may have gathered from some of the extracts which I have read, they actually advocate it as the only basis upon which any real union between Canada and the United Kingdom can be arranged. Lord Milner, for example, has said:

"That the development of the spirit of independence and self-reliance, in the several states, is a necessary stage in the evolution of a new form of union."

And in "The Empire and the Century" (a book befriended by Lord Grey) there is the following (p. 40):

"Before federation or anything like it is possible, certain conditions must be present. There must be a comparatively uniform development throughout the Empire, the different parts which make the federal units showing a certain level of civic well-being. One state may be richer than another, or may base its wealth on different grounds; but all must have attained to a certain height of self-conscious national life, otherwise they will enter the federation on different terms, and instead of harmony will find abiding discontent."

Passing to another point, I feel sure that some of you wish to say to me that if we were independent, we could not maintain our independence; that Japan, or the United States, would gobble us up. But observe that I have not proposed to change the present situation, but only to recognize it; and, therefore, that the only questions raised by the suggestion of being gobbled are; first, What is the present situation? and, secondly, How would the situation be affected by recognizing it?

The present situation may be summed up in a single sentence: We are in no danger, and if we were, we have no assurance of British assistance. Until the German scare is well over, the United Kingdom will not engage in war with the United States, or (for still stronger reasons) with Japan. The United Kingdom has not a single battleship on the Pacific, and for years to come will not send one there. Let us recognize the facts—the United Kingdom is, at present, much

(*a*) Some independent states are still smaller. The smallest are Monaco, with 19,000 inhabitants: and San Marino, with 11,000

too anxious over her own position to undertake responsibilities on behalf of Canada. And Canada has no right to complain. She has declined to give the United Kingdom any assurance of help in case of war, and in return she has received none. We must keep the peace with Japan and the United States, or ourselves face the consequences. At all events my point, and my only point, is that we have no assurance of co-operation in case of trouble.

Look at the past. Upon two occasions, and two only, has the British navy been called upon to intervene upon this side of the Atlantic, and upon both occasions it has operated against us. Once it illegally helped the French in Newfoundland, and the plea of imperial authority, offered by the British Commander, was condemned by the British Privy Council. On the other occasion, the British navy helped the United States cruisers to drive our sealing fleet from its occupation in the open waters of the Pacific ocean. What the British navy may do in the future, no one can predict.

I said a few minutes ago that we are in no danger. That is not quite true. As long as our present anomalous relationship with the United Kingdom continues, we incur the danger of being attacked because of quarrels with which we have no connection. We have fought in various wars, and every one of them was of that description. There has never been a war upon Canadian account. Independence would place our war-relationship upon known and reasonable footing. We should have specific and definite alliance, or we should not. The present situation is unfair to us in every way. We are expected to assist in every British war, and we have not the slightest assurance that any of our quarrels will be thought of sufficient importance to warrant war.

That is the present position. Now what would be the effect of making the theoretical conform to the practical? The chief benefit to be derived from a frank facing of the real facts of the situation (and I ask particular attention to this point) is that it would necessitate the removal of the uncertainties to which I have just referred. At present we have no agreement providing for cases of international difficulty. A declaration of our independence would sharply call our attention to that fact, and produce some line of definite action with reference to the most important feature of national life, namely, national safety.

I was much struck with a remark recently made by Mr. R. L. Borden to the effect that our first act after declaration of independence would be to enter into a treaty of offensive and defensive alliance with the United Kingdom. In that case, both parties would acquire the immense advantage of knowing what was going to hap-

pen. At present neither of us knows, and neither of us will say. That is not only unsatisfactory and stupid, but unnecessarily dangerous. Independence will end all that; and if Mr. Borden is right, the result will be that far from independence meaning wider separation, it will mean closer union.

But Mr. Borden may be wrong. When I mentioned his suggestion to a British Imperialist (a member of the editorial staff of the *Times*) I was told that Canada's fighting strength would not warrant an alliance with her. His proposal was an imperial council, in which the predominant partner would have the predominant vote. To that, of course, Canada would not agree. It would place her forces at the disposal of persons whom she could not control, and who might use her men for purposes which she did not approve. I do not, at the present time, attempt to decide what ought to be our course of action. My point is that our present position is, in the last degree, absurd; and that declaration of our independence would rouse us to our appreciation of that very important fact.

In other ways, too, a frank acknowledgement of the situation will be of the greatest possible benefit. Apart altogether from the extremely important advantage of enhanced self-respect, it will give us a unity, a cohesion, and a solidarity which we have not now. At present we are English, Scotch, Irish, French, American, etc. We ought to be Canadians. Eight hundred miles of rock and water separate our east from our west. We want a bond of union. We shall never make our west imperialistic; we can make it Canadian, now. In a few years? I am not so sure of it.

And our establishment as a nation would have the very important effect, that it would forever end the constantly recurring question as to our destiny. There have always been people who have prophesied that, when Canada came to adopt a permanent form of government, she would declare for union with the United States; and as long as the question remains unsettled by accomplished fact, there will always be debate and possible uncertainty, as to what is to be the answer. At the present day, there is probably less reason for apprehension of annexation than ever before, but nevertheless some of our best men have it still in mind, and are timid about increasing our trade with the United States because it might result in political incorporation. I cannot agree that there is any ground for anxiety. If there is, we ought at once to stop the stream of American immigration into our North-west; to forbid the introduction of American capital and industry and enterprise; aud to prohibit American ownership of our resources. These influences are stronger than lower tariff walls.

If my confidence in Canadians is not well founded—, if in reality, there is just cause for apprehension as to our political future—the reason for danger consists solely in the fact that our political position is not upon a permanent basis. Some change has to be made. And the question is inevitable: What shall its nature be? Other countries are not afraid of better trade relations with their neighbors or of immigration, for the simple reason that their constitutions have been finally adopted and definitely fixed. Our choice has yet to be made. You and I to-day (Must I still say it?) are not agreed as to our own political future.

At the present time, very few would vote for incorporation with the United States. Not many years ago, a great many were ready to accept it with equanimity. In a few years more? I do not know. But what I do know is that I should like to see the matter settled once and for all, while opinion is as unanimous as it is to-day. To leave it open, is to leave it to uncertainty. To leave it open is to produce the suggestion that to conserve our political freedom, we must refuse to increase our commerce with our largest business-relation; that we must turn back the stream of immigration; that we must exclude American capital and enterprise. Disastrous action of that sort is wholly unnecessary. Our political future is perfectly safe as soon as we ourselves have declared what it is to be. National sentiment is the only secure bulwark of national existence. We shall never have it as long as we remain a colony.

Let our independence, then, be acknowledged. Let us learn to regard ourselves as a nation. Let us claim the place, and the rank, and the respect to which we are entitled. Let us be no longer a "colony" even in name, nor yet one of the "dominions beyond the seas." We are, as I have said before, on this side of the seas. We have the most magnificent and most richly endowed country on the face of the globe. We have eight millions of the sanest, the strongest, and the most intelligent people in the world. We are acquiring a just pride in our material position, and our unprecedented progress. And, if we shall only rise to the height of our national manhood, we shall, I most firmly believe, very soon be a homogeneous and united people, well able to hold our own, whether in the peaceful pursuits of industry and commerce, or in the direst engagements of most strenuous war; and whether in defence of our own land, or of the land from which most of us have sprung, and which yet retains (may it always retain) our sympathies and our affections.

Before closing, will you allow me to read to you language which that very ardent and very able imperialist Sir Allen Aylesworth

recently (22nd December 1910) addressed to the Canadian Club at Halifax:

"I look forward to no far distant day when Canada will be a nation and will stand among the people of the world on a footing as proud as that of the United States. It may be that in the fullness of time it will be thought by the men who govern Canada and the British Empire that it would be better to separate and that Canada should stand alone. No man could foretell the future. So far as Canada is concerned they build for the future best who build for the present best. We should maintain that tie of kinship and loyalty that binds us to the motherland across the sea. I hope that not only in my lifetime, but in that of all of us, Canada shall stand where she does to-day, and that in the future she shall seek to form a simple and leading partner in the galaxy of nations that will surround and uphold the British throne."

The only difference between Sir Allen and me, I am glad to say, is one of time. Our desire for the future of Canada is the same. But he would continue, indefinitely, our appearance of subordination. He is content that his country shall be a colony, or a "British dominion beyond the seas,". He is satisfied that he, and all of us, shall go down to our graves as inhabitants of a country unable to

"stand among the people of the world on a footing as proud as that of the United States."

I am not. I may be too proud, but if so, it is not as a man but as a Canadian. If our powers of self-government were incomplete, I could well imagine that a proposal to increase them might meet with opposition. But I confess that I cannot appreciate the force of an objection to a declaration of an existing fact, more particularly if the effect of that declaration would be to elevate us to higher levels of existence; to make us more proud of our country; to put us upon a footing of political equality with the United States.

If such a declaration would introduce anything but the very situation which Sir Allen desires for us (but hopes that he may not live long enough to see) I could understand opposition to it. But, Sir, inasmuch as that situation is one in which Canada shall be a

"leading partner in the galaxy of nations that will surround and uphold the British throne."

I, for one, feel that it cannot come too soon. For nearly 130 years the United States has proudly stood as a nation "among the people of the world." Canada has now more than twice the population that the United States had at the commencement of that period. One hundred and thirty years ago, North and South America were the property of European nations. To-day there is not an acre of

colonial soil there, except in Canada and Guiana. By rebellion the others earned their nationalism. By loyalty, sometimes strained but never severed, and by manly, but peaceful, assertion of the right of a vigorous and intelligent race to govern itself, we have earned ours. Why shall we not have it? There is not a trumpery Spanish Republic in Central America that does not outrank Canada. Go, indeed, to one of the little islands of the Carribean Sea, and you will find on one-half of it a petty negro republic, enjoying a national, and international position that Canada has not.

Sir Allen hopes that in the lifetime of any of us, Canada may never equal these republics. On the contrary, I most earnestly desire that all of us shall see Canada rise from her squalid and ignoble colonialism to splendid nationalism. It is inconceivable that such a sturdy, self-reliant, capable, and intelligent people should be content to be outranked in political status by Hayti, or even by the United States. I echo most heartily the language of Mr. Geo. R. Parkin, the greatest of Canadian Imperialists:

"If the greater British colonies are permanently contented with their present political status, they are unworthy of the source from which they sprang."

Mr. Parkin used that language a good many years ago, and he was urging, even then, a change suited, as he thought, to our increasing importance and dignity. We have doubled and quadrupled, in some respects since then. And we all feel with Professor Leacock that, this "worn-out, by-gone" colonialism "impairs the mental vigor and narrows the outlook."

Let us then take it off, and cast it from us. The motherland is ready for our full enfranchisement. She would gladly celebrate our coming of age, and, with pride, welcome us to full political equality. Her statesmen encourage us in our just, and natural, aspirations. They appreciate, better than many of our own people, that independence is already ours; that its recognition is but the acknowledgement of undoubted, and admitted, and most creditable fact; and that its proclamation is a necessary step, either in the construction of some new union, or in the formation of the great combination to which Sir Allen Aylesworth and I, alike, look forward, in which Canada shall be a

"leading partner in the galaxy of nations that will surround and uphold the British throne."

OTTAWA, March, 1911.

JOHN S. EWART.

IMPERIALISM

(In order to draw attention to the purpose for which quotations are employed, italics not appearing in the original, are sometimes made use of.)

WHAT is imperialism? What is its purpose? And what is the effect of its influence?

EMPIRE: The best way to arrive at the meaning of *imperialism* is to ascertain the precise import of the word *empire*. It has two meanings: One of them has reference to the rank and title of the sovereign; and the other to the nature of the relation between two states.

(1) The first of these meanings of the word *empire* may be taken from Murray's Dictionary:—

"A government in which the sovereign has the title of emperor."

The word *emperor*, from being originally a coveted Roman military appellation, came to be the title of the Roman sovereign; and its subsequent supposed superiority to the title King (a superiority still vaguely felt, although not always admitted) is due to the fact that many Kings were, for many centuries, subject to the Roman Emperor.

"Unwilling as were the great kingdoms of western Europe to admit the territorial supremacy of the Emperor, the proudest among them never refused, until the end of the middle ages, to recognize his precedence, and address him in a tone of respectful deference" (*a*).

This first meaning of the word *empire* has, of course, no application to the British Empire. In India, George V is Emperor of India. Elsewhere he is King; and it would (at present) be impossible to persuade the British people to change the historic title of their sovereigns. We must find some other reason for the phrase *The British Empire*.

(*a*) Mr. Jas. Bryce, in The Holy Roman Empire, pp. 189, 190. And see pp. 22, 23, 250.

(2) The second meaning of the word *empire* is (as given by the same dictionary):

"An aggregate of subject territories ruled over by a sovereign state."

It will be observed that there is, in this definition, no reference to the title or rank of the sovereign. It deals solely with the relation between two states, one of which is sovereign and the other subordinate. And it is not at all necessary that the sovereign state should be monarchical in its own structure. For example, the Philipines are part of the empire of the United States—because those islands are ruled by the United States.

Strictly speaking, it would be incorrect to include the United States, itself, in the phrase *the American Empire*. It is the subject states alone which constitute the American possessions, or the American Empire. It has become customary, nevertheless, to include the United Kingdom in the phrase *British Empire*; and when people extol the glories of the British Empire they do not refer exclusively, or even particularly, to the colonies. Whether or not this extension is useful, it is certainly confusing and tends to cloud the real meaning of the word *empire*. Sanity would sometimes be saved if the British Empire were understood to mean the "aggregate of subject territories" which are ruled over by the Colonial Office.

For present purposes, I do not quarrel with the customary use of the phrase (*a*). We ought, however, to take care that we are not misled by it. We should keep clearly in mind that, in an empire, the relation between the associated states is necessarily that of dominant and subordinate. If the states are all politically equal, they may be a federation, or a confederation, or a league, or something else, but they cannot be an empire. All the States of the Union to the south of us are equal. No one would think of them as an empire. An empire is:

"an aggregate of subject territories ruled over by a sovereign state."

It is clear, therefore, that if, in any particular conjunction, there is no ruling state and no subject state, there can be no empire—unless indeed the title of the sovereign is *emperor*. In that case, according to our first definition, his territory is an empire, and the island of Hayti was once a state of that class.

(*a*) Mr. Chamberlain used the word correctly when he said: "*If we had no empire.*" (Proceedings of the Col. Conference 1897, p. 7.) The phrase "our colonial empire" is frequently and correctly used.

The British Empire, then, is so called, not because of the title of its sovereign, but because of its political structure—because it is composed of a dominant or ruling state and of various other subordinate states.

"The parliament of Great Britain sits at the head of her extensive empire in two capacities: One as the local legislature of this island . . The other, and . . nobler capacity, is what I call her imperial character; in which . . . *she superintends all the several inferior legislatures*" (a).

The British Empire, therefore, is the aggregation of subject territories ruled over by the United Kingdom. But if that be true, then, as is pointed out in No. 1 of The Kingdom Papers, Canada cannot be part of the British Empire. We continue to use the phrase, but, so far as Canada is concerned, it has been emptied of its meaning by our success in acquiring the undisputed right to rule ourselves. It was to this fact that Lord Milner (the chief of British imperialists) referred, in the sentences quoted in that Paper (p 12):

"The word *empire* has, in some respects, an unfortunate effect. It, no doubt, fairly describes the position as between the United Kingdom and *subject countries* such as India or our Central African possessions. But for the relations existing between the United Kingdom and the self-governing colonies, it is a misnomer, and *with the idea of ascendancy, of domination, inevitably associated with it, a very unfortunate misnomer.*"

We ought, therefore, to discard such phrases as "Canada is a nation within the Empire;" "Canada is an integral part of the Empire," for such is not the fact. The assertion that "Canada is loyal to the Empire" is, indeed, the precise contrary of the fact. From earliest times, Canada's constant struggle was to be free from imperial control; and now she rejoices that she has practically ceased to be a colony ruled over by anybody outside herself—has practically ceased to be a part of the "colonial empire" of the United Kingdom.

In No. 1 of the Kingdom papers, I said that the meaning of the word *empire* was better understood in England than here. Many Canadians will, for example, disagree with the language which I have been employing, while, for defence, I beg to quote from an article in *The Saturday Review* of 25th July, 1908:—

"As an empire how does the British nation throughout the world now stand? Wolfe would have been amazed indeed could he have foreseen the present position. This 'empire,' which he made possible, has *no imperial army*; there is

(a) Burke's speech on American taxation: Works I, 174.

no military defensive force drawn from every part of the 'empire,' and to which every part of the 'empire' must contribute either in men or money. There is *no imperial navy* in the only true sense of the word, that the whole empire helps to keep it up. There is *no imperial citizenship*, for the King's subjects born in one part of the empire may be, and are, forbidden entry into other parts of the 'empire,' not by decision of any authority representing the whole 'empire' but by a local authority. To be a British subject does not carry with it even elementary rights against an authority that does not profess to represent the British empire. In this 'empire' there is nothing to distinguish the commercial treatment of some parts of the 'empire' by other parts, from their treatment of a foreign country. In other words, these parts are to each other, from a commercial point of view, just *foreign nations*. Any part of the 'empire' may constitutionally give better treatment to a foreign country than to another part of the empire. This empire has *no imperial government*. There is no authority which represents the empire as a whole, no authority which has power to enforce its decisions in every part of the empire alike.

"Where, then, Wolfe might well ask, does the empire come in? If we were honest, we should have to answer that it does not come in at all. *The plain truth is that there is no British empire. In the strict sense, it obviously is not an empire; neither, as it seems to us, is it an empire in any real sense at all. And we shall get no further until we recognize this without blinking.* This must be the starting-point for future development. We shall lose nothing by looking facts in the face; by admitting the truth."

The writer referred to the Boer war as evidence "that there is a British imperial soul," but he added that it also

"showed the difficulty it had to express itself. There was general and enthusiastic support from the English peoples against the Dutch Republics and the Dutch seceders But the military authorities could not know beforehand what colonial force could be counted on; there was no authority anywhere that could claim colonial assistance as a right. More serious still, the Prime Minister of the Cape Colony, one of the Cape Dutch but not a rebel, defined his policy as 'keeping the colony neutral.' Sir Wilfrid Laurier, too, laid down as a principle that Canada would not send troops unless the government approved of the object of the war. These two statements of policy are the flat negation not only of empire, but of national unity at all. They are particularism, or regionalism, pure and simple."

IMPERIALISM: Having now, it is hoped, a clear idea of the meaning of the word *empire*, we may consider its derivative *imperialism*. Imperialism may relate either (1) to the title of the sovereign; (2) to the character of his rule; or, (3) to the relation of one state to another. Before proceeding to discuss these meanings, let me, with the help of a little table, resume what has been said, and indicate more clearly the suggested classification:—

An empire is either:—

1. A government in which the sovereign has the title of emperor; or

2. An aggregate of subject territories ruled over by a sovereign state.

Canada is not ruled over by an emperor; and, she is not a subject territory ruled over by any sovereign state. Canada is, therefore, not an empire, or a part of an empire.

Imperialism relates to:—

1. The title of the sovereign——titular-imperialism;

2. The character of the jurisdiction exercised by the sovereign over his own state——personal-imperialism; or,

3. The inter-relation of states; which, in turn, may relate to;

(1) The extent of the subordinate territory——territorial-imperialism:

(*a*) The acquisition of new subject territory; or,

(*b*) The retention of subject territory already acquired.

(2) The character of the jurisdiction exercised by the dominant state over the subordinate——state-imperialism.

The word empire connoting, as we have seen subordination we may readily accept the following language of Mr. Herbert Spencer with reference to imperialism:

"Not the derivation of the word only, but all its uses and associations, imply the thought of predominance—imply a correlative subordination. Actual or potential coercion of others, individuals or communities, is necessarily involved in the conception" (*a*).

1. Titular Imperialism: Imperialism, in its relation to the title of the sovereign, need not detain us. The assumption by Queen Victoria of the title *Empress of India* is a good example of it. Brazil proclaimed an emperor in 1822, and Hayti in 1804. Gibbon tells us that:

"The barbarian conquerors of the west were pleased to decorate their chiefs with the title of emperor" (*b*).

2. Personal Imperialism: Quotation from Mr. Jas. Bryce exhibits imperialism of the second kind.

"The comparison of the old Roman Empire, with its Germanic representative raises a question which has been a good deal canvassed of late years. That wonderful system which Julius Cæsar and his subtle nephew erected upon the ruins of the republican constitution of Rome has been made the type of a certain form of government and of a certain set of social as well as political arrangements, to which, or rather to the theory whereof they are a part, there has been given the name of *imperialism*. The sacrifice of the individual to the mass, *the concen-*

(*a*) Facts and Comments, p. 157.
(*b*) Decline and Fall, V. 68.

tration of all legislative and judicial powers in the person of the sovereign, the centralization of the administrative system, the maintenance of order by a large military force, the substitution of the influence of public opinion for the control of representative assemblies, are commonly taken, whether rightly or wrongly, to characterize that theory" (*a*).

In this sense, the word *imperialism* is used rather metaphorically than with primary signification: as, between states, *imperialism* means the exercise of controlling powers, so, in connection with the relation between sovereigns and subjects, a tendency to despotism may be spoken of as imperialism. One is state-imperialism, and the other personal-imperialism. References to the imperialism of the Kaiser are understood to relate to his idea of his divine right to govern the people committed by God to his care—not to the government by Germany of her colonies (state-imperialism) but to government by the sovereign of his subjects (personal-imperialism). For purposes of illustration or historical connection only, shall I in this Paper, refer to personal-imperialism.

3. Territorial Imperialism: Imperialism, as manifested in the inter-relation of states, has two phases, and, in the first of them, it relates to the extent of the subordinate territory—to the desire either for the acquisition of new subject-territory, or for the retention of that already acquired. It is with this meaning that imperialism has formed the subject of so much debate in the United States (*b*). Although not now dealing with such imperialism, it cannot be passed over without calling attention (as usual) to the glory of the expansion of the British Empire, and the corresponding infamy of the selfish aggressions of other nations. Our audiences never fail to acclaim the refrain:

Wider still and wider
May thy bounds be set;
God who made thee mighty
Make thee mightier yet.

Such aspirations we hold to be not only quite legitimate, but perfectly commendable, and highly patriotic. At the same time, we feel perfectly sure that, if sung in Russia, the language ought to be regarded as most reprehensible incitement to predatory encroachment upon the territory of other people. Were it indulged by a single American, it would be denounced, by some people in Canada, as an impudent bit of swaggering menace, and as an amply sufficient reason for limiting our trade relations with his countrymen.

(*a*) The Holy Roman Empire, p. 378.
(*b*) See Goldwin Smith's *Commonwealth or Empire.*

State-Imperialism.—It is of imperialism referred to in the last item of the analysis that I wish to treat in the present paper—imperialism in its relation to the character of the jurisdiction exercised by one dominant state over a subordinate state; the only sort of imperialism that we have ever had in Canada.

IMPERIALISM VS. NATIONALISM.

State-imperialism and nationalism are, of course, irreconcilable enemies. As personal-imperialism (within a state) is the foe of popular government, so state-imperialism (the assertion by one state of a right to rule another) is in its very nature antagonistic to the nationalism of the subject-state. In other words it is impossible for a community to be a self-governing nation, and, at the same time, to be a part of the empire of another nation. It cannot be free and subject, sovereign and subordinate, at the same time.

Roman Imperialism.—The nationalism of Europe, for example, was won from the imperialism of the Roman (or rather Teutonic) Emperors. Mr. James Bryce has said:

"As despotic monarchs, claiming the world for their realm, the Teutonic Emperors strove from the first against three principles, over all of which their forerunners of the elder Rome had triumphed—those of Nationality, Aristocracy and Popular Freedom. Their early struggles were against the first of these, and ended with its victory, in the emancipation, one after another, of England, France, Poland, Hungary, Denmark, Burgundy and Italy" (*a*).

Napoleonic Imperialism.—Napoleon essayed the suppression of nationalism in Europe and the re-creation of imperialistic power. But nationalism was too strong for him. As he himself said "I came too late." His partial successes were obliterated by the Vienna Congress.

Later European Imperialism.—More recently the revolt of nationalism may be seen in the separation of Holland and Belgium, and the liberation of Greece from Turkey. The strength of national feeling has been exhibited also in the unification of Italy and the federation of Germany. There are still some examples of state-imperialism in Europe; and Prussia, with its strong tendency towards the exercise of authority over her smaller sister-states, may shortly furnish us with a further instance.

(*a*) The Holy Roman Empire, p. 391. It is not generally known that British Kings for nearly a hundred years (1714–1806), had the right to vote at the elections of Roman Emperors.

American Imperialism.—One hundred and thirty-five years ago Spain, Portugal, France, Holland, and England claimed, between them, to own the whole of North and South America. Now they own nothing but little Guiana, and that is shared by three of them. Spain and Portugal have not enough left whereon to plant a flag-pole. Haughty and exacting imperialism accounts for most of the nationalistic success in America. Indulgent imperialism has rendered less rapid the completion of the nationalism of Canada.

But, from the first, it was all inevitable. In Anglo-Saxon countries, more certainly perhaps than in others, neither personal nor state-imperialism can be the final form of government. The contest may be long and arduous, but, as we can now see, there is but one end to it—self-government of the people in Britain, and self-government of British descendents elsewhere. And just as we admire the British victory over the personal-imperialism of the Kings, so do we, in Canada, take to ourselves congratulations upon the achievement of our practical, although not yet declared, emancipation from the state-imperialism of the Colonial Office.

IMPERIALISM AND PROFIT

The motive underlying personal-imperialism is possession of authority — very frequently, no doubt, with a view to its beneficial exercise, but, in the final analysis, mere possession of authority. The motives which underlie territorial- and state-imperialism vary according as the imperialism is sane or insane. The senseless craving for expansion—for mere bigness—apart altogether from benefit or advantage, needs no argumentative condemnation, for no one upholds it. Sane imperialism is based upon profit—not upon philanthropy, or notions of "the white man's burden," but upon profit. As Lord Cromer recently said:

"An Imperial Power naturally expects to derive some benefits for itself from its imperialism" (*a*).

That British imperialism, in its relation to the British North American colonies, has always been based upon ideas of profit I now proceed to prove. For that purpose, Canadian history may be divided into three periods:

1. From the beginning to the advent of free trade, or, say, to the eighteen-forties, British imperialism was based upon the profit derived from trade.

(*a*) Ancient and Modern Imperialism, p. 41.

2. From the eighteen-forties to the eighteen-eighties, there was very little British imperialism, because there was very little profit.

3. Since the eighteen-eighties, British imperialism has become enthusiastic and exigent, because of the military, as well as the commercial profit that appeared to be in it.

First Period.—The European nations did not, as a mere pastime, fight for colonial possessions. They wanted the profit. No one doubts that; but let me emphasize it :

Adam Smith, in his "Wealth of Nations" (1776), referring to the British monopoly of colonial trade, said:

"The maintenance of this monopoly has hitherto been the principal, or more properly perhaps, the sole end and purpose of the dominion which Great Britain assumes over her colonies. In the exclusive trade, it is supposed, consists the great advantage of provinces, which have never yet afforded either revenue or military force for the support of the civil government, or the defence of the mother country. The monopoly is the principal badge of their dependency, and it is the sole fruit which has hitherto been gathered from that dependency. Whatever expense Great Britain has hitherto laid out in maintaining this dependency has really been laid out in order to support this monopoly" (*a*).

Spencer Walpole in his History of England said:

"When, indeed, the colonies were first planted, no restrictions were placed on their commerce. It was only when their progress made their custom desirable that the legislature undertook to secure it for the mother-country. The Navigation Act virtually declared that the colonies should buy everything they wanted in England, and sell everything they had to sell in England.

For the sake of securing a monopoly for the British manufacturer, the colonists were forbidden to engage in any manufacture; they were even prohibited from refining their own sugars. They were regarded as mere dependencies of the mother-country—as useful in promoting British trade" (*b*).

The Earl of Chatham in 1766 said:

"The profits to Great Britain from the trade of the colonies.... carried you triumphantly through the last war. The estates that were at £2,000 a year, are now at £3,000. This is the price America pays you for her protection" (*c*).

Lord Palmerston in a speech in the House of Commons in 1816, spoke of

'our colonial possessions, the fertile sources of our commercial wealth" (*d*)

(*a*) Vol. 2, p. 197.
(*b*) Vol. vi., p. 328-9.
(*c*) Hurlbert, *Britain and Her Colonies*, p. 114.
(*d*) Life by Evelyn Ashley, vol. 1, p. 75.

One of the best of the Colonial Secretaries (Earl Grey), in his "Colonial Policy" (1853) said:

"For more than two centuries, the great object of all European nations, in seeking to obtain possession of colonies, was the gain supposed to accrue from the monopoly of their commerce, which it was the practice of the parent state to maintain, while on the other hand, it gave to their produce a preference in its own markets" (*a*).

"Much of the power and influence of this country depend upon its having large colonial possessions in different parts of the world" (*b*).

Herman Merivale (Under-Secretary of State for the Colonies, 1847-59) said in his Lectures:

"The benefit of colonies to the mother-country consists solely in the surplus advantages which it derives from the trade of the colonies over the loss. *That benefit has been enormous calculated in figures alone*" (*c*).

Mr. Chamberlain, speaking at Liverpool, 27th Oct., 1903, said:

"What is your motto? 'Ships, Colonies and Commerce.' You are right to place colonies in a prominent position. You are right to place it between the other two, for the other two depend upon it" (*d*).

It is not difficult to account for British imperialism during this first period: There was enormous profit in it. Spain, Portugal, and Holland lost their pre-eminence as they lost their colonies. Why did Great Britain fight against the independence of the thirteen colonies? Because she did not wish to lose the monopoly of their trade. And why, at the close of the war, did she make an ignoble peace? In order to placate the successful revolutionists, with a view to resumption of business relations (*e*).

Second Period.—Free trade threw open colonial commerce to the world. The monopoly was gone. The colonies had ceased to be profitable. Indeed they were thought to be an encumbrance and expense. British imperialism therefore waned and died. No one need blame it. It had nothing to live upon. Officially and unofficially, the British attitude was a desire for separation.

That this was true of the Colonial Office itself, can be proved by quotation from the three Permanent Under-Secretaries who held office from 1836 to 1867.

(*a*) Colonial Policy, I, 6.
(*b*) Ibid. I., 11.
(*c*) p. 671.
(*d*) *Speeches*, p. 147.
(*e*) That was, of course, not the sole reason for Shelburne's surrender. It was probably the chief one.

Sir James Stephen (1836-47) noted in his diary the departure of a newly-appointed Governor-General, and accompanied it with the remark that it is

"not unlikely to be the last that will ever be made."

At a previous date he had said of Canada:—

"It cannot be regarded as an enviable distinction to remain the only dependent portion of the New World" (*a*).

Herman Merivale (1847-59) thought that the tie was

"a slight and temporary thing."

Sir Frederick Rogers (Lord Blatchford, 1860-71) wrote in 1864:—

"I go very far with you in the desire to shake off all responsibly governed colonies; and, as to North America, I think if we abandon one, we had better abandon all" (*b*).

In 1871 he said:

"I had always believed—and the belief has so confirmed and consolidated itself that I can hardly realize the possibility of anyone seriously thinking the contrary—that the destiny of our colonies is independence; and that, in this point of view, the function of the Colonial Office is to secure that our connexion, while it lasts, shall be as profitable to both parties, and our separation, when it comes, as amicable as possible. This opinion is founded, first on the general principle that a spirited nation (and a colony becomes a nation) will not submit to be governed in its internal affairs by a distant government, and that nations geographically remote have no such common interests as will bind them permanently together in foreign policy, with all its details and mutations" (*c*).

To the testimony of these three Under-Secretaries, may be added that of Sir Henry Taylor, who for many years was one of the officials of the Colonial Office. In 1860, the Duke of Newcastle accompanied the Prince of Wales to Canada, and, upon his return to London, received from Sir Henry, a letter in which was the following paragraph:

"As to our American possessions, I have long held and often expressed the opinion that they are a sort of *damnosa hereditas*; and when your Grace and the Prince of Wales were employing yourselves so successfully in conciliating the colonists, I thought you were drawing closer ties which might better be slackened, if there were any chance of their slipping away altogether" (*d*).

(*a*) Sir Francis Head's Narrative, p. 370.
(*b*) Autobiography of Sir Henry Taylor, II, 241.
(*c*) Letters of Lord Blatchford, pp. 299–300.
(*d*) Autobiography of Sir Henry Taylor, II, 234.

Referring to the advent of free trade, Mr. Spencer Walpole in his History of England said:

"But this change revived in a new form the old inquiry, *Cui Bono*? Men who had grown up in the faith that foreign possessions were advantageous because of their trade, could not be expected to admit that the dependencies were still useful when the exclusive trade was destroyed" (*a*).

Richard Cobden (in his sphere, the greatest man of his day) wrote in 1842:

"The colonial system, with all its dazzling appeals to the passions of the people, can never be got rid of except by the indirect process of free trade, which will gradually and imperceptibly loose the bands which unite our colonies to us by a mistaken notion of self-interest" (*b*).

In 1865 (20th March) Cobden wrote to Cole:

"It is all very well for our cockney newspapers to talk of defending Canada at all hazards. It is simply an impossibility. Nor must we forget that the only serious danger of a quarrel between these two neighbours arises from the connexion of Canada with this country. In my opinion, it is for the interest of both that we should, as speedily as possible, sever the political thread by which we are as communities connected . . " (*c*).

Still more recently, Cobden in speaking of the proposed federation of Canada, said:

"In my opinion it is for the interests of both"—that is, of the United Kingdom and Canada—"that we should as speedily as possible sever the political thread by which we are, as communities, connected, and leave the individuals, on both sides, to cultivate the relations of commerce and friendly relations with other nations. I have felt an interest in this confederation scheme because I thought it was a step in the direction of an amicable separation."

In quoting this paragraph in 1903, Mr. Chamberlain said:

"Mr. Cobden did not stand alone in those times. It was not merely the view of the leaders of the free trade movement, but there was a large party in this country who regarded the colonies as a costly encumbrance, and who gave them self-government, not with the hope that thereby we should draw them closer to us, but with the hope that they would take the reins into their own hands and become separate nations" (*d*).

(*a*) VI, p. 334.
(*b*) Morley's *Life of Cobden*. I. 230.
(*c*) Ibid II., 470.
(*d*) *Speeches*, p. 190.

Sir James Graham, one of the most enlightened men of his day (prior to 1861) declared (13th Feb., 1848) that

"We ought to limit instead of extending our colonial empire; that Canada will soon be independent" (*a*).

In 1862, Sir George Cornewall Lewis (the distinguished writer on the Government of Dependencies) said in the House of Commons:—

"I, for one, can only say that I look forward without apprehension, and, I may add, without regret, to the time when Canada might become an independent state" (*b*).

The Annexationist Manifesto, which was signed by so many prominent Canadians in 1849, very correctly recited as follows:

"That it is the resolve of England to invest us with the attributes, and compel us to assume the burdens of independence, is no longer problematical . . An overruling conviction then, of its necessity, and a high sense of the duty we owe to our country, a duty we can neither disregard nor postpone, impel us to the idea of separation; and whatever negotiations may eventuate with Great Britain, a grateful liberality on the part of Canada should mark every proceeding" (*c*).

Lord Elgin, (the Governor-General) was much embarrassed by this British attitude, and asked the Colonial Office (16th Nov. 1849) for an authoritative declaration of intention to maintain the imperial connection, saying:

"When I protest against Canadian projects for dismembering the Empire I am always told 'the most eminent statesmen in England have over and over again told us that whenever we choose we may separate. Why, then, blame us for discussing the subject?" (*d*).

Not long afterwards Lord John Russell did make a declaration in the House of Commons (8th Feb. 1850). It was not very pleasing to Lord Elgin. It was as follows:

"I anticipate with others that some of the colonies may so grow in population and wealth that they may say 'Our strength is sufficient to enable us to be independent of England. The link is now become onerous to us. The time is come when we think we can, in amity and alliance with England, maintain our independence.' I do not think that that time is yet approaching. But let us make them, as far as possible, fit to govern themselves; let us give them, as far as we can, the capacity of ruling their own affairs; let them increase in wealth and population, and whatever may happen, we of this great Empire shall have the consolation of saying that we have contributed to the happiness of the world" (*e*).

(*a*) Greville's *Journal of the Reign of Queen Victoria* 1837-1852. Vol. iii., p. 124.
(*b*) *The Broadstone of Empire*, vol. 1, p. 95.
(*c*) Egerton and Grant. *Can. Constl. Level*, p. 340
(*d*) Ibid. p. 347.
(*e*) Ibid, p. 321.

That this statement was a popular one in England, may be inferred from the reference to it in a letter from Lord Elgin to Lord Grey (23rd March 1850):

"I ought not to use the term 'foreboding,' for really to judge by the comments of the press on this declaration of Lord John's, I should be led to imagine that the prospect of these sucking democracies, after they have drained their old mother's life-blood, leaving her in the lurch and setting up as rivals, just at the time when their increasing strength might render them a support instead of a burden, is one of the most cheering which has of late presented itself to the English imagination" (*a*).

"You must renounce the habit of telling the colonies that the colonial is a provisional existence . . Of one thing, however, I am confident, there cannot be any peace, contentment, progress or credit in this colony while the idea obtains that the connection with England is a millstone about its neck which should be cast off as soon as it can be conveniently managed" (*b*).

In Lord Elgin's letters of this period (1849-53) to the Colonial Secretary, are frequent appeals and arguments for continuation of the colonial connection. In one of them (26th March, 1853) he combatted the suggestion that

"by the severance of the connection, British statesmen would be relieved of an onerous responsibility from colonial acts of which they cannot otherwise rid themselves" (*c*).

In 1851, the general sentiment in England found practical expression in the British House of Commons, when Sir William Molesworth moved the following resolution:

"That it is the opinion of this House that steps should be taken to relieve this country, as speedily as possible, from its present civil and military expenditure on account of the colonies; with the exception of its expenditure on account of military stations or convict settlements.

That it is expedient, at the same time, to give to the inhabitants of the colonies, which are neither military stations nor convict settlements, ample powers for their local self-government, and to free them from that imperial interference with their affairs which is inseparable from their present military occupation" (*d*).

In 1852 (13th August) Mr. Disraeli (Chancellor of the Exchequer) wrote to Lord Malmsbury (Foreign Secretary) as follows:

(*a*) Egerton & Grant, *Can. Constl. Devel.* 322.
(*b*) Ibid. 323, 324, 325
(*c*) Ibid. 328.
(*d*) Annual Register 1851, p. 119.

"The fisheries affair is a bad business. Pakington's circular is not written with a thorough knowledge of the circumstances. He is out of his depth, more than three marine miles from shore.

These wretched colonies will all be independent too in a few years, and are a millstone round our necks. If I were you, I would *push matters* with Filmore, who has no interest to pander to the populace like Webster, and make an honourable and speedy settlement" (*a*).

This letter is of peculiar interest. The "fisheries affair" was the affair of Canada and her sister colonies. The story is as follows.

For many years the United Kingdom and the United States had differed as to the right of fishing in the larger bays upon the colonial shores. The former claimed that, by the treaty of 1818, American fishermen were excluded from all the bays, while the United States, on the other hand, asserted that the exclusion extended only to three miles from the shore. The United Kingdom had, however, never strictly enforced its view. On the contrary the Bay of Fundy had been voluntarily surrendered, and a disposition had been evinced to surrender all the others. From time to time the colonies had protested, but could get nothing done (*b*); and emboldened by the absence of opposition, the Americans had become accustomed to fish even within the three mile limit. In 1844, Newfoundland passed a statute authorizing colonial officials to seize poachers. The act was not put into operation at the time, but in 1852 (12th February) the Governor advised the Colonial Office that attempts might soon be made to seize American vessels, and urged that the British Government should itself undertake the work of protection. Early in the same year both Canada and Nova Scotia commissioned small protective forces.

Thus urged, the Colonial Secretary (Sir John Pakington) addressed a circular letter (28th May, 1852) to the Colonial Governors, in which he said:—

"Her Majesty's Ministers are desirous of removing all grounds of complaint on the part of the colonies in consequence of the encroachments of the fishing vessels of the United States upon their waters from which they are excluded by the terms of the convention of 1818; and they, therefore, intend to despatch as soon as possible, a small naval force of steamers and other small vessels to enforce the observance of the convention" (*c*).

(*a*) Memoirs of an ex-Minister (Earl of Malmsbury) I. 344.
(*b*) Colonial Policy, by Lord Grey, I, 286–7.
(*c*) North Atlantic Fisheries Arbitration, U.S.C.C.A. app. 217.

The circular caused a good deal of excitement in the United States and the near approach of a presidential election gave it unexpected importance.

Such was the situation when Mr. Disraeli's letter above quoted was written. It was of Canada and her sister colonies he spoke as "wretched colonies" which

> "will all be independent too in a few years, and are a millstone round our necks."

And the course of action which he suggested was the old one—settle the difficulty. We probably owe British assent to the reciprocity treaty with the United States of 1854 to the fact that it was the means of quieting down the "bad business" of the fishery affair, as well as to the fact that our connection with the United Kingdom had come to be regarded as a "slight and temporary thing."

Passing from Disraeli to Gladstone, James A. Froude (the historian) in a letter to John Skelton (12th April, 1870) said:

> "Gladstone & Company deliberately intend to shake off the colonies. They are privately using their command of the situation to make the separation inevitable" (*a*).

Lord Morley, in his Life of Gladstone, denies the justice of such charges (*b*); but himself states Mr. Gladstone's principles with reference to the colonies as

> "local independence, an end of rule from Downing Street, the relief of the mother country from the whole expense of the local government of the colonies, save for defence from aggression by a foreign power" (*c*).

A Colonial Secretary who acted upon those principles would most probably have been thought, in 1870, to have well earned Froude's description. And Mr. Goldwin Smith tells us of a letter written to him by Mr. Gladstone with reference to the Civil War in the United States:

> "With a view, probably, to the satisfaction of mortified friends of the North in England, he (Mr. Gladstone) wrote to me suggesting that, if the North thought fit to let the South go, it might, in time, be indemnified by the Union of Canada with the Northern States" (*d*).

(*a*) *The Table Talk of Shirley* by John Skelton, p. 142.
(*b*) Vol. 1, p. 364.
(*c*) Ibid. p 362.
(*d*) My Memory of Gladstone, pp. 43, 44.

Writing in 1856, Arthur Mills (who took an active part in parliamentary discussion relating to the colonies) in his book (Colonial Constitutions) said:

"To ripen those communities to the earliest possible maturity—social, political, and commercial—to qualify them, by all the appliances within the reach of a parent State, for present self-government, and eventual independence is now the universally admitted object and aim of our colonial policy" (*a*).

The British attitude to the colonies in 1864 was referred to by Sir John A. Macdonald in a speech at the Conference held at Quebec to consider federation:

"Our present isolated and defenceless position is, no doubt, a source of embarrassment to England. If it were not for the weakness of Canada, Great Britain might have joined France in acknowledging the Southern Confederacy. We must, therefore, become important, not only to England, but in the eyes of foreign states . . " (*b*).

Shortly afterwards Mr. George Brown went to England to ascertain the attitude of the British Government to the federation proposals. Reporting to Sir John (22nd December, 1864) Mr. Brown found that everybody was delighted with the prospect; but he found also something else:

"I am much concerned to observe, however, and I write it to you as a thing that must seriously be considered by all men taking a lead hereafter in Canadian public matters—that there is a manifest desire in almost every quarter that, ere long, the British American colonies should shift for themselves, and, in some quarters, evident regret that we did not declare at once for independence I am very sorry to observe this, but it arises, I hope, from the fear of invasion of Canada by the United States, and will soon pass away with the cause that excites it" (*c*).

The time was one of peril to Canada. Civil war was raging in the United States. The Republic had been stirred to deep resentment by British sympathy for the Southern Confederacy, and by the construction of confederate cruisers in British dock-yards. The United Kingdom was afraid that American revenge might take the form of an attack upon Canada (*d*), and Mr. Brown found that for that reason, there was regret that Canada had not declared for independence. That was, and still is "a thing that must seriously be considered" by all Canadians.

(*a*) p. lxix.
(*b*) Life of Sir John A. Macdonald, by Joseph Pope, I, 269.
(*c*) Ibid, p. 274.
(*d*) See Annual Register 1864, p. 128.

In 1867, in the debate on the federation of Canada, Mr. John Bright said:

"Is this new state to be raised up and get everything done for it? Are they to be independent in every respect, except the choice of their Governor, and yet not pay for their own defence? Better throw in the complement of independence, and cut this last link of connexion" (*a*).

As late as 1872, when Lord Dufferin was about to leave for Canada, Robert Lowe (afterwards Lord Sherbrooke) said to him:

"Now, you ought to make it your business to get rid of the Dominion" (*b*).

I have been quoting principally from statesmen of the past. Let me now give Mr. Chamberlain's summary of the period under review. In a speech of 31st October, 1903 he said:

"In the period which has elapsed, what has been our treatment of our colonies? What has been the view taken here? Have not the colonies, when they come here, found themselves neglected, the subject of no interest, the greatest possible ignorance being shown of the conditions under which they have lived? When they have appealed to us, we have told them their policy was nonsense, because it did not exactly accord with ours. We have told them that if they did not like our views, the sooner they left the better. We have often promoted legislation with the distinct object, as stated by the statesmen concerned, of getting rid of them as early as possible. We have done all these things. Now at last we have come to our senses. We recognize their importance, and share to the full the sympathy and affection which they have shown to us" (*c*).

This *epitome* of British imperialism in the second period may appropriately be closed by quotations from Dr. Parkin's book *Imperial Federation* (*d*). He tells us that he is in possession of:

"the printed draft of a Bill, prepared with great care more than 25 years ago by Lord Thring, whose long services as parliamentary counsel to successive Cabinets has given him an experience in the practical forms of English legislation quite unrivalled."

The Bill provided methods of government for colonies in the various stages of political development. And

"Lastly, 'as the natural termination of a connection in itself of a tem-

(*a*) 19th Century, March, 1911, p. 399.
(*b*) Life of Lord Dufferin, I, 286.
(*c*) Speeches, p. 123. See also pp. 5, 62.
(*d*) Published in 1892.

porary character' (to use the words of the preface to the Bill), provision is made for *the formal separation of a colony and its erection into an independent state* when its people feel equal to undertaking the full range of national responsibility. Direct provision is made for independence only at the colony's own request, but it is suggested that *separation might be brought about by coercive proclamation* on the part of the mother-country in case the colony fails to perform the national duties which it accepted with responsible government" (*a*).

Dr. Parkin summarized the general feeling in England at the time of Canadian federation as follows:

"Twenty-five years ago it seemed as if English people, and it certainly was true that the majority of English statesmen had made up their minds definitely as to the only possible and desirable solution to this great national problem. The old American colonies had gone, and had remained none the less good customers of the mother-country for having become independent. Very soon, it was sincerely believed, the whole world would be converted to free trade, and with universal free trade and the universal peace which was to follow, nothing was to be gained from retaining the colonies, while the colonies themselves were expected to look eagerly forward to complete political emancipation as the goal of their development. A few brilliant writers in the press, a few eloquent speakers on the platform, gave much vogue to these views. The correspondence of prominent public men which has since come to light, the recollections of men still living, furnish convincing proof that this opinion was widely accepted in official circles. A governor, leaving to take charge of an Australian colony, was told, even from the Colonial Office, that he would probably be the last representative of the Crown sent out from Britain. This tendency of official thought found its culmination when, in 1866, a great journal frankly warned Canada, the greatest of all the colonies, that it was time to prepare for the separation from the mother-land that must needs come" (*b*).

About the same time, Tennyson embodied public sentiment (for the purpose of opposing it) in the words:

> "So loyal is too costly! friends, your love
> Is but a burden: break the bonds and go!"

Here then we have a period in which there was no profit in imperialism, and, naturally enough, there was very little imperialism. There is nothing base or ignoble in that. Nations must be governed by self-interest. In the United Kingdom's struggle with competing nations, she could not afford to be heavily handicapped. She believed that her colonies were millstones round her neck. Not too peremptorily, but with sufficient distinctness, she said to them "break the bonds and go."

(*a*) Parkin *Imperial Federation*, p. 12.
(*b*) Ibid, pp. 7, 8.

And Canada has little reason to regret the absence of imperialism during this second period. For as imperialism slackened its hold, self-government obtained its chance (*a*): and Canada, making good use of her time, was well on her way to nationalism before British imperialists commenced to regret, and to endeavor to restore the imperialism which they had discarded.

Third Period.—The third period of British imperialism, short as it is, must be sub-divided into still shorter periods. There is, first, the period of renaissance, with Mr. Disraeli, and Mr. Forster as chief missioners; secondly, the period of The Fair Trade League, and The Imperial Federation League (1881–1893); thirdly, the period of declension (1893–7); and finally, the period of rapid growth and bewildered eagerness.

Renaissance.—What caused British imperialists to "return to sounder views" (spoken of by Mr. Chamberlain) is now very clear. It was, first, new visions, arising from new situations, as to trade-profits; and second, the rise of the military predominance of Germany, on the one hand, and the observation of the rapidly growing strength of the colonies on the other—that is to say, the appearance of war-profits.

Mr. Disraeli was among the first to appreciate the situation. Twenty years earlier (1852) he had regarded the Canadian colonies as "millstones round our necks," and he had looked forward with satisfaction to their independence. In 1872, he regretted the amount of independence which they had, and proposed to curtail it. The gift of self-government, he said, should have been accompanied by securities:—

"I cannot conceive how our distant colonies can have their affairs administered except by self-government. But self-government, in my opinion, when it was conceded, ought to have been conceded as part of a great policy of imperial consolidation. It ought to have been accompanied by *an imperial tariff*; by securities for the people of England for *the enjoyment of the unappropriated lands* which belonged to the Sovereign as their trustee; and by a military code which should have precisely defined the means, and the responsibilities, by which the colonies should be defended, and by which, if necessary, *this country should call for aid from the colonies themselves.* It ought, further to have been accompanied by the institution of some representative council in the metropolis, which would have brought the colonies into constant and continuous relations with the Home Government. *All this, however, was omitted, because those who advised that policy* —and I believe their convictions were sincere—*looked upon the colonies of England*, looked even upon our connection with India, *as a burden upon this country*, viewing everything in a financial aspect, and totally passing by those moral, and political, considerations which make nations great, and by the influence of which, alone, men are distinguished from animals.

(*a*) Cf. Camb. Mod. Hist., XI, 763.

"Well, what has been the result of this attempt during the reign of liberalism for the disintegration of the Empire? It has entirely failed. But how has it failed? Through the sympathy of the colonies with the mother country. They have decided that the Empire shall not be destroyed; and in my opinion no minister in this country will do his duty who neglects any opportunity of *reconstructing as much as possible our Colonial Empire*, and of responding to those distant sympathies which *may become the source of incalculable strength and happiness to this land*" (*a*).

In the old days imperialism yielded commercial profit. Now British imperialism is urged to reconstruct "the colonial empire," so that there may be got out of it "incalculable strength and happiness to this land." And the method of procedure proposed was the simplest: (1) an imperial tariff—for the purpose of arranging the trade-profit; (2) English enjoyment of Canadian lands (for endowment of churches and aristocracies); and (3) a military code under which British responsibilities should be "precisely defined," and under which England, without definition, "could call for aid from the colonies"—a very comfortable arrangement for war-profit (*b*).

No marked effect seems to have been produced by Mr. Disraeli's speech, and he himself did not follow it up. Three years afterwards (1875), Mr. W. E. Forster commenced his advocacy of an apparently more reasonable way of controlling the colonies, namely, by admitting them as junior partners in federation.

1881–93.—Canada, in 1879, gave strong stimulus to such schemes by the adoption of a protective tariff, aimed as well at the British as at all other outside manufacturers; and the result was the establishment (1881) of *The Fair Trade League*, one of whose objects was

"to make of Great Britain, and her dependencies, a vast zollverein within which the principles of free trade should be unhesitatingly recognised" (*c*).

From that time until 1893, imperialism grew quickly, for two very good reasons: first, because colonial trade was rapidly becoming more valuable, and, secondly, because the colonies were

(*a*) Speeches, Vol. II, page 530; 1882 Edition.

(*b*) The *Times* (London) recognized the reason for Disraeli's change of view. It said (20 April, 1911):—"If in the earlier part of his career, the colonies did not appear to arouse his enthusiasm it has to be remembered that they were far from being the communities that they are to-day. They were comparatively in their infancy, like other infants they were sometimes troublesome, and great economic changes which to the present generation appear the settled order of things had not occurred, and could not have been predicted. But when the new developments appeared upon the political horizon, with their still remote suggestion of a new reading of Imperial duties, responsibilities, and prospects, Lord Beaconsfield was quick beyond the men of his time to appreciate the coming changes and to grasp their significance."

(*c*) Annual Reg. 1881, p. 184.

evincing dispositions to engross as much as possible of it for themselves.

The year after her federation, Canadian imports were..	$67,090,159
When the League was formed they were.....	90,488,329
Two years afterwards they had risen to.....	121,861,496

During the next year (1884) Mr. Forster formed *The Imperial Federation League*, which became, at once extremely active. Until 1893, it did much for "federation in the abstract"; but in that year in an effort to explain itself explicitly, it fell to pieces.

Declension, 1893–7.—In earliest days, British imperialism fed upon trade-profits. Profits and imperialism vanished with free trade. War-profit aroused, in Mr. Disraeli, a return of attachment to the colonies; but Europe became tranquil, and that motive failed, for the moment to revive imperialism. Then came most unexpected increases in colonial prosperity, and the Canadian protective tariff. That situation presented a new view of trade-profit; and, added to possible war-profit, caused a rapid recrudescence of British imperialism. After 1893, it again, for a few years, suffered declension. Why? Because the history of *The Imperial Federation League* had proved that no control could (even by partnership proposals) be obtained over colonial trade; and because the strong desire for colonial war-support had ceased with the cessation of its immediate necessity. There were no profits for imperialism to feed upon. It went into decline.

Since 1897.—The reason for the extraordinary change in British imperialism since 1897 is easily explained. There was first the revival of trade-profits. In 1897, the Canadian parliament gave, to British manufacturers, preferential treatment, with respect to customs-duties. All the other colonies followed the lead. British imperialism quickly and enthusiastically responded.

Added to the trade-profit, came renewed desire for the more important war-profit. Colonial assistance appeared to be almost a necessity in the Transvaal war of 1899–1902; then followed the Colonial Conference of 1902, at which all the colonies except Canada agreed to make annual contributions to the British Admiralty; and later on, came the German scare. Since 1897, British imperialism has found plenty of nourishment, and its growth has been phenomenal.

The sentiment that is in it, is founded upon substantial profit. It was not a mere coincidence that the opening speech of Mr. Chamberlain's imperialistic campaign (15th May, 1903) was made only

two months after his return from the battle-fields of South Africa; and that the burden of his message was the necessity for the creation of

"a new government for the British Empire";

and the advantage of

"association with the growing colonies, without whose strong right hands and loyal hearts you cannot keep your Empire.

"Think what it means to your power and influence as a country.

"And in my judgment, although the United Kingdom, alone, may yet have much to do, may yet take a great place amongst the kingdoms of the world, she cannot rival the empires that are springing up about her."

It is interesting to note the effect of the Boer war upon British imperialism, by contrasting Mr. Chamberlain's pleasant speeches at the Colonial Conference of 1897, with the impatient reproaches of his addresses to the Premiers in 1902. Prior to the war he

"was open to consider in the most friendly way any representations that may be made us";

and he distinctly declared that nothing which he said had "any pressure behind it." After the war his tone entirely changed. He presented to the Premiers a War Office memorandum in which was the following:—

"The experience of the South African war has, however, established two important facts:—

"(*a*) That the regular army, as organized before the war, was by itself inadequate in strength to the military needs of the Empire.

"(*b*) That the self-governing colonies are willing and able to assist in making good some part of the deficiency in military strength which the war has disclosed."

But instead of being grateful for the assistance which he had received, he told the colonies that they had not done their share, that it was

"inconsistent with their dignity as nations that they should leave the mother country to bear the whole, or almost the whole of the expense."

Mr. Chamberlain did not explain how *liability* for the expense of wars, over which nations have no control, is consistent with their dignity. He was never interested in that phase of the subject; and his followers always ignore it. Their purpose is well expressed by Mr. Duveen:—

"May I, in passing, note here that within a few years Canada, supposing her present progress continues, would be in a position to withhold her support from any war we might be engaged in, on the ground that her interests are not involved in the strugggle. *I want to make such a contingency impossible*" (*a*).

Mr. Freeman, the historian, put the same idea in this form:—

"The greatest and freest of colonies may at any moment find itself plunged into a war which may suit the interests or the fancies of the people of Great Britain, but which may, in no way, suit the interests or the fancies of the people of the colony. *It is to meet this difficulty* that schemes have been of late largely proposed for bringing about a nearer union between the mother-country and the colonies, and that in some shape other than that of dependence" (*b*).

Canada, on the other hand, wants to have some voice in the control of her own forces.

We have now finished our review of British imperialism in all its periods; and we have found that its intensity has always closely corresponded to the profit that was in it. That is perfectly natural. No one would think of finding fault with a nation because it desired to expand or contract according to its necessities or interests. If imperialism were a religion, then, of course, everybody, under all circumstances and always, ought to be enthusiastically imperialistic. But if imperialism, like protectionism, is a policy which may properly be pursued or discarded according to public conviction of its benefits or evils, then we must not reproach British imperialists with the close coincidence between their fervor and their opinions.

CANADIAN IMPERIALISM.

In Canada, imperialism has always presented some of the characteristics of a religion. British imperialism has varied according to the nature of British interests. Canadian imperialism has not. It has been a steadfast quantity. Partially supported by a belief in its benefits, Canadian imperialism has been, and is almost completely a matter of sentiment. Prove to a Canadian imperialist that his country would profit by separation, and his reply would be that there is something better in the world than profit. It was not personal advantage that brought the United Empire Loyalists originally to Canada, and their descendants are but slightly affected by such considerations now. There are no periods in the history of Canadian imperialism. From 1763 to 1911, large numbers of our people have always preferred regulation of our affairs (more or less

(*a*) Lecture and Pamphlet (May, 1910).
(*b*) Greece and Britain p. 46.

of it—steadily becoming less) by people living in England, to regulation by themselves. They have identified loyalty and submission. One by one the "links" have dissolved, but each disappearance has only served to make dearer those that still remained to perpetuate subordination. Even now, when our political freedom has been practically achieved, there are many Canadians who do not approve our emancipation, who minimize it, who decline to acknowledge it. Say to a true imperialist that Canada is, in reality, politically independent, and see what answer you will get.

An episode of last year furnishes a good example of what I mean. In an address to the Ontario Club, Sir Wilfrid Laurier said:—

"It is evident that there never was a period in our history when the feeling of brotherhood among the different peoples of Canada was as prevalent as at the present time. More than that: it is a matter of history that our population has a pride of citizenship that it did not have in 1896. We are a nation. We feel that we are a nation. We have a population of over seven millions. We have practical control of our foreign relations. We have command of our own forces. Our country is the finest under the sun. The great poet Whittier, in the time of the Civil War wrote: 'We bow the heart, but not the knee, to the Queen of England, God Bless her!' We say: 'We bow the heart and the knee to the King of England, God bless him!' We are under the suzerainty of the King of England. We are his loyal subjects. We bow the knee to him; but the King of England has no more rights over us than are allowed him by our own Canadian Parliament. If this is not a nation, what, then, constitutes a nation? And if there is a nation under the sun which can say more than this, where is it to be found"? (*a*).

Naturally enough, Canadian imperialists do not like language of that sort. Practically, it is all perfectly and indubitably true. But it is distasteful, because of its exclusion of the idea of proper subordination. Mr. George E. Foster characterized it in this way:—

"Some rather foolish, even mischievous talk, has been indulged along these lines. It has been asserted that we have wrested our fiscal autonomy, our political autonomy, even our naval autonomy, from Britain; and the latest edition is practically our autonomy in our international relations. After this, all we have to do in bowing our knee and saluting King Edward is to call him, not sovereign, but suzerain. It is a mistake which creates false impressions. If these utterances are merely for the sake of rhetorical adornment, they are but foolish. If, however, they are studied and serious, they are revolutionary. We cannot have absolute autonomy in any of these particulars and remain in the empire"(*b*).

(*a*) *Globe*, 6th January, 1910.
(*b*) *Globe*, 11th January, 1910.
Although a strong imperialist, Mr. Foster sometimes uses the language of nationalism. In the May number of *The North American Review*, he wrote as follows: "In short, Canada has become a young nation, with all the growing pride and widening aspirations that belong thereto."

Mr. Foster was, no doubt, perfectly correct in saying that we cannot have absolute autonomy—that is absolute self-government—in any of these respects "and remain in the empire." As I have already suggested, a community cannot be both free and subject, sovereign and subordinate at the same time. But the result is, not that we are still in tutelage to the Colonial Office, but that, having escaped from overlordship, we are not a part of the Empire.

Again, it would have been impossible that the proposal to establish a Canadian navy, entirely under Canadian control, should have escaped opposition from some of the imperialists. But for the splendid lead of Sir Charles Tupper in his fight with the old Imperial Federation League (Sir Charles, who is usually rated among imperialists, but who has rendered signal service to Canadian nationalism) very probably all, or nearly all Canadian imperialists would have advocated subscription to the British Admiralty, and opposed the construction of a Canadian navy. Even the example of the great Nova Scotian, was not sufficient to convert all imperialists to nationalism upon such an extremely important point of national development; and there was, therefore, a good deal of objection to construction. Thanks, however, to Sir Charles, the opposition was directed, principally, to the provision for retention of control, and but half-heartedly to the main proposal. Indeed, in the compromise resolution of 1909, the Canadian House of Commons voted unanimously in favour of "the speedy organization of a Canadian naval service" and dissented from

"the payment of regular and periodical contributions to the imperial treasury."

In the next session, however, Mr. Borden moved that,

"the proposals of the government do not follow the suggestions and recommendations of the Admiralty, and, in so far as they empower the government to withhold the naval forces of Canada from those of the Empire in time of war, are ill-advised and dangerous."

No better example of the essential difference between nationalism and imperialism could be found—between desire for self-government, and contentment with government by somebody else. I am not, at present, discussing which is the better plan. I am merely pointing to the difference between the two systems. There have never been wanting supposedly conclusive arguments to prove that our affairs could be managed better in London than in Canada; to show the necessity for unity and uniformity; to demonstrate the

certainty of disaster if we arranged our own tariff, or controlled our own militia, or negotiated our own treaties. With such arguments I do not now deal. Time has answered them all. And now, once more, upon this question of control of our own navy we have determined that it ought to rest with ourselves. Canada would hardly have been a fit place to live in had she decided otherwise.

In the debate upon the Bill, Sir Wilfrid used language which very clearly expresses my view as to imperialism, and I therefore quote it:—

"Sir, the result of all this is plain: On the other side we have a house divided against itself. At one end, we have the negative extremists represented by my honorable friend from Jacques Cartier. At the other end, we have affirmative extremists, those who desire a navy, but an imperial navy to be maintained by contributions from the self-governing dominions; those who believe that if we have a navy it should pass automatically, in time of war, under the jurisdiction of the admiralty; those who believe one project of a navy is not sufficient, that we should also vote an emergency contribution. Sir, all these forms of opinion are simply different forms of a respectable, though misguided, imperialism" (*a*).

"If England is at war we are at war and liable to attack. I do not say that we shall always be attacked, neither do I say that we would take part in all the wars of England. That is a matter that must be determined by circumstances, upon which the Canadian parliament will have to pronounce and will have to decide in its own best judgment" (*b*).

"There was another instance. England was at war in the Crimea with Russia. For myself, I do not hesitate to say that if that war were to be undertaken by England, under similar circumstances, I would hesitate very much before I would give my consent that we should take part in any such war, if conditions were the same as they were then. But they are not the same now as they were then, because at the present time we have British Columbia to look after, and if war were declared between Great Britain and Russia our first duty would be to look after British Columbia which might be attacked by Russia from the Pacific ocean" (*c*).

I should like to add that I find it impossible to believe that Mr. R. L. Borden intended that Canada's control over her ships should automatically pass out of her hands in case of a British war. It is the principal curse of our political system that the opposition must oppose everything that the government proposes. I am glad to think of Mr. Borden as a man entirely in sympathy with the splendid work of Sir Wilfrid at the Conferences. Had he disagreed with the

(*a*) Hansard, 1909–10, p. 2959.
(*b*) Ibid. p. 2965.
(*c*) Ibid., p. 2966.

nationalistic attitude always assumed and splendidly persisted in, there, by Sir Wilfrid, he would have said so, for he has had many opportunities. Canada appears to be unanimous in her endorsation of what Sir Wilfrid has done. When Mr. Borden's day comes, he will, I feel certain, pursue the same course.

WHAT IS THE PURPOSE OF IMPERIALISM?

Answer to this question is extremely difficult. Perhaps the best that can be said is:—

1. Imperialists themselves are perplexed about it.
2. What some of them want is not imperialism.
3. A large number of them are, in reality, not imperialists at all. They are nationalists.

1. *Perplexed Imperialists.*—Recently, Lord Cromer (a pronounced imperialist) asked what reply an English imperialist would make to *Quo vadis*? (*a*) and added:—

> "He would be puzzled to give any definite answer; for he is, in truth, always striving to attain two ideals, which are apt to be mutually destructive—the ideal of good government, which connotes the continuance of his own supremacy, and the ideal of self-government, which connotes the whole, or partial, abdication of his supreme position" (*a*).

Mr. Edward Blake, some years ago, expressed the same idea, when he referred to the impossibility of reconciling "British liberty and British connection."

2. *Imperialism not wanted.*—Since the dissolution of the Imperial Federation League (because it could not frame a plan—1893) very many imperialists have renounced federation. Some still hold to it; and, according to the *Globe* of 29th April, 1904, that excellent imperialist, Sir Edmund Walker,

> "declared that he was not an imperialist unless it meant some day—it might be 50 years hence, but some day—an imperial parliament representing all parts of the empire."

But that is not imperialism at all. There is no relationship of dominant and subordinate in that scheme. It is one of equality. The United States, for example, is a federation, not an imperial federation. Indeed, as Professor Freeman has pointed out, that phrase itself is inaccurate; for the noun implies equality, and the adjective connotes inequality (*b*).

(*a*) Whither goest thou? "Ancient and Modern Imperialism," pp. 117, 118.
(*b*) Greece and Britain, p. 105,6.

Probably, the point upon which most imperialists would agree is war-solidarity. There are two methods, however, by which that can be accomplished. The imperialistic method: control in England, and compliant response from the colonies. That has been suggested by Mr. Chamberlain, and resolutely rejected by the colonies. It need not be further discussed. The only other method is by agreement. In that there is no imperialistic element. If the Associated Kingdoms are to aid one another in war, they ought to come to agreement about it—as other nations do.

3. *Some imperialists are nationalists.*—Through misunderstanding of the terms, very many persons who call themselves imperialists are really nationalists. That they are not imperialists, they easily recognize as soon as imperialism is properly defined. And the reason why they balk at nationalism is often apparent by their question, Who would be King? It is not remembered that King George is now King of Canada; that practically Canada is now a kingdom; and that officially to declare the existence of that fact would have no effect whatever upon the relation of Canada to her King. Observe that nationalism means self-government; that its declaration would be nothing but the official assertion of an existing fact, namely, our freedom from Downing Street control; and that it would not depose our King, any more than it would stop the St. Lawrence. The point is not sufficiently understood.

For example in No. 1 of the Kingdom Papers, I told of a Halifax gentleman who objected to independence, but insisted that we should have every minutest fragment of self-government—which is, of course, independence. He was a nationalist. And a short time ago (in a letter to *The Standard*, Montreal, 11th April, 1911) an apparently intelligent gentleman, after referring at considerable length to me and my opinions (in uncomplimentary terms) finished by saying (with reference to the coming of the Duke of Connaught) that:—

> "It marks formally, despite Mr. Ewart's melancholy reflections, the final stage in the evolution of the eldest and largest Dominion, from a colony dependent on the Colonial Office and the British parliament, into a nation equal in status with the inhabitants of the United Kingdom and constitutionally connected with them by no other tie than that of allegiance to a common sovereign."

The writer is of course a nationalist of quite virulent type; but nevertheless, he believes himself to be a militant imperialist, for he speaks, with enthusiasm, of Canada continuing as

> "an integral part of the greatest Empire the world has ever known."

Replying to his letter, I quoted his language, and said it stated my position "with the utmost precision." Much to my surprise, the editor added a note to my letter in which he said:—

"The majority of Canadians will accept Mr. Ewart's statement of his position as expressed in the above quotation."

I have very grave doubt, however, whether I should have received the same endorsation, if, in expressing precisely the same idea, I had used the word *independence*. I feel certain that Canadians are almost unanimously nationalists; and that all that is necessary for open declaration of their attitude is clear understanding of the political points involved in the subject.

WHAT IS THE EFFECT OF IMPERIALISM?

Notwithstanding the unfeigned respect with which I regard many Canadian imperialists—respect for their abilities, attainments and character—I am most perfectly persuaded that their influence upon the political present of Canada is pernicious, and upon her political future, dangerous.

It is so because its underlying principle is Canadian insufficiency. Tell Canadians that their affairs can be managed better in London than in Canada, and to the extent of your influence you are doing them an injury. Tell Canadians that particularly with reference to foreign relations, they are inferior to the diplomats of other nations, and ought to be glad if they are even consulted as to what is good for them, and, to the extent to which you can make them believe you, your language is baneful. Tell Canadians that they cannot properly settle their own law-suits—that it is better to call to our assistance some trans-Atlantic judges, and if your language does not provoke quick resentment, you may have convinced some more of your fellow-countrymen of their impotence. Tell Canadians that they are inferior in physique and military ability to other nationalities—well, perhaps, I need not carry imperialistic disparagement to such palpable absurdity as that.

I say that national depreciation is mischievous and injurious. Even were it well-founded it would be impolitic. In Canada there should be none of it. We have nothing to be ashamed of either in our country, our men, or our achievements. We can manage our own affairs better than anyone else. Does anybody wish to return to the old way of making commercial arrangements with foreign countries—through the Governor-General; then the Colonial Office;

then the Foreign Office; then the British Ambassador; and back by the same route? Will anyone tell me that he thinks it consistent with our national dignity to submit our law-suits to London judges? The chief fault of Canadians, politically, is their diffidence and their timidity. Imperialism has taught them their insufficiency, and big, robust and strong as they are, they reflect their education. Our mean colonialism is part of our fibre. We ought to give our children a chance of being something better.

We have a difficult problem here in Canada, but, if imperialism is not too strong for us, we shall solve it. We have to unify and nationalize a people—several peoples—whose geographic and ethnographic conditions make for separation. Prince Edward Island is the only one of our Provinces lying to the north of another of them. It is separated by the sea from its nearest neighbor. Nova Scotia is separated, substantially, from New Brunswick by the Bay of Fundy; New Brunswick from Quebec by the State of Maine; the English-speaking maritime provinces from Ontario, by the French-speaking Quebec; eastern Canada from central by 800 miles of rock and water; and central from western by the Rocky Mountains. Add to all this, the divergence in interest caused by the difference in situation; add also the similarity of interest between the various parts and the corresponding portions of the United States, and the magnitude of our difficulty may be, to some extent perceived. But only partially, for other disintegrating influences are in operation, amongst which perhaps the chief is the growing tendency in provincial legislation (1) to discriminate in favor of Canadians who reside within the province as against Canadians who reside in other provinces; and (2) to encroach upon the federal control of purely federal affairs.

We are terribly disunited now. I fear that the tendency is towards further disunion. We have had frank, and I am afraid, perfectly sincere warnings from the prairie provinces that they refuse to be dominated by the east, and we have had premonitions of the eastern reply. The prairies have always had a feeling of resentment and antagonism towards the east. It commenced with our bungling over premature exercise of authority there; it was intensified by the disallowance of all attempts by Manitoba to establish railway communication with the United States; it has been perpetuated by tariff arrangements; and unfortunately the policy of one of the political parties in the west (each in turn) has always been to protest against Ottawa injustice and patriotically to fight for "Provincial Rights."

How are we to unify Canada? There is but one possible way: Make her a nation, in name as well as in fact. Let her throw off her

mean colonial wrappings, and let her assume her rightful place among the nations of the world. Give us a common pride.

Yes, there is but one way, but, unfortunately, there is also one great obstacle—one, which I fear, will for some time bar the road. Had imperialism any plan of its own—could it tell us that, even in fifty years, it could produce some plan, it might plead some justification for blocking our path. But it cannot—helplessly it admits that it cannot, and sullenly, frequently contemptuously, it sits there, blocking the way. No imperialist believes that Canada will ever again submit to imperialism. Nobody pretends that any other political scheme of union with the Associated Kingdoms is possible. Why, then, will not imperialists join with us in giving to Canada a position of which we might all be proud? I appeal to them. As I respect them, let them at least listen to me. I do not ask them to abandon their hope of larger political union. I do not ask them to forego their aspirations, their loyalties, or their aims—Canadian independence is not incompatible with realization of all that they desire. But I do entreat them to lend their aid in the great work of the consolidation of Canada; the development of a unifying and elevating Canadian sentiment; and the creation of a true Canadian nation, always in close sympathy with the other members of the Associated Kingdoms, and, always, with the same Sovereign as theirs.

JOHN S. EWART.

OTTAWA, June, 1911.

THE KINGDOM PAPERS NO. 3.

REPLY TO CRITICISMS

These papers (including the back numbers) will be sent, free of charge, to all applicants.

JOHN S. EWART,
Ottawa, Ont.

REPLY TO CRITICISMS.

(In order to draw attention to the purpose for which quotations are employed, italics not appearing in the original, are sometimes made use of.)

BEFORE proceeding further with the programme originally proposed for the present series of papers, it may be well to devote a few pages to some of the criticisms which Nos. 1 and 2 have evoked.

INGRATITUDE.

From several quarters comes the suggestion of ingratitude as an objection to independence: Has not the mother-land cared for us, and defended us? Do we not owe our existence to her? She may have made mistakes, but has she not always sought our welfare? Where should we have been but for her guardianship and her thousand kindly offices?

Such questions indicate a very erroneous, but I am afraid, a somewhat widespread misconception of colonial history. Underlying them is the idea that colonies were founded in philanthropy, and nurtured in unselfishness; whereas nothing can be further from the truth.

Until challenged, I shall not give further authority for the statement made in No. 2 of these Papers, (page 33) that

"The European nations did not, as a mere pastime, fight for colonial possessions. They wanted the profit. No one doubts that."

But let me mention a few facts.

The same war which gave Canada to the United Kingdom, ousted (substantially) France from India. No one need be told of the immense stores of wealth which India has yielded to her conquer-

ors. Unsurpassed rapacity and greed, rather than philanthropy and unselfishness were the motives which prompted the East India Company.

In the negotiations for the peace of 1763, British statesmen hesitated between demanding Canada or a couple of West India islands from France. Why? Simply because they were not quite sure which was the more valuable acquisition. Affection for Canada, or for the French and Indian population there, was not a factor in the choice eventually made.

British defence of Canada has always been regulated by similar motives. Probably the United Kingdom would have fought any European nation who attempted to deprive her of the possession of so valuable a territory; but she has always been willing to give up fragments of her property rather than incur the enmity of the United States. In the revolutionary war, Canada, to the best of her ability, helped the United Kingdom against the rebelling colonies, and the thanks which Canada got was the transfer to her enemy of part of her territory, namely, that immense area now embraced within the States of Ohio, Indiana, Illinois, Michigan, Wisconsin and half of Minnesota; together with the whole of Lake Michigan and one-half of all the other lakes (*a*); and the right to take fish in all Canadian coastal waters, including the use of much of the shore for drying and curing the fish.

It is not right to charge the loss of the State of Maine entirely to Lord Ashburton. Shelbourne and Oswald are the men chiefly to blame, and if Oswald (and probably Shelbourne) had had their way, the whole of Canada would have been part of the United States in 1783. Oswald signed a draft treaty putting the boundary line at Lake Nipissing!

"Where should we have been but for her guardianship?" Well, we should have had all the territory which Shelbourne and Oswald gave away in 1783; and we should have been strong enough to withstand all subsequent aggressions. Or if we were not, we could ourselves have conceded a few million acres from time to time, and yet have been able to boast something wider than our present limits.

I do not at present attempt a summary of concessions to the United States. I may say, however, that I do not join in the general condemnation of the British surrenders. Diplomacy is good or bad as it subserves your own purposes. The United Kingdom has never had any interest in Canada except in connection with its trade (and, more recently, military) benefits. Enjoyment of those has never

(*a*) With the possible exceptaion of Lke Ontario, to which New York may have had some prior claim.

depended, materially, upon whether the boundary was in one place or in another place not far away; upon whether United States fishermen came into our bays, or were kept outside of them; upon whether our just claims against the United States (say, in connection with the Fenian raids) were satisfied, or were abandoned; upon whether the St. Lawrence was a Canadian, or an open river; upon whether our sealing-vessels had a right to take seals in the open ocean, or might be regulated off it.

Such questions have always been of very insignificant importance to the United Kingdom compared with the maintenance of cordial relations with the United States; and it is, therefore, foolish to charge British diplomacy with either stupidity or dereliction of duty because it relinquished the immaterial in order to maintain the essential. Nations have constantly to make concessions for the sake of possible future support, and the United Kingdom has but pursued the customary course when she has conceded, from time to time, territory and advantages which were of no value to herself, in order that she might enjoy the benefit of good relations with the United States.

I make no objection to such action. It is perfectly natural. Canada would make easy concessions in Sierra Leone, for the sake of harmony in North America. But when I know, and everybody knows, that British diplomacy *has* pursued this natural and usual course, I do object to being told that the United Kingdom has defended us, and protected us, and surrounded us with kindly offices. That is not the fact. Some subsequent numbers of the Kingdom Papers will be devoted to proof of its untruth. Meanwhile, I content myself with an extract from a speech made by Sir Charles Tupper (whose testimony will not be suspected) in the House of Commons, on 22nd February, 1899:—

> "I now come to a very important question, and that is the reluctance on the part of Her Majesty's Government to do that with the United States that they would do with any other country in the world. I speak from intimate knowledge, and from my personal acquaintance and official association with both the great governing parties in England—because there were many changes of government while I held the position of High Commissioner, and I was necessarily thrown, in relation to these matters, into intimate association with both—when I say that from 1868, when I had occasion to deal with an important question relating to Canadian interests with Her Majesty's Government, down to the present hour, I have been struck very forcibly with the unwillingness on the part of Her Majesty's Government to allow any circumstances whatever even to threaten a collision with the United States."

Sir Charles was not mistaken. If any one doubts that harmonious relations with the United States has been a dominating factor in

British diplomacy, let him read Mr. Chamberlain's speech at Birmingham, (January, 1897) in which he said that the preservation of cordial relations was for the British people

"something more than a desire, it is almost a religion" (*a*).

In answer, then, to the suggestion that a declaration of independence would be an act of ingratitude, I reply:—

1. If we have cause for gratitude, we must find some way of expressing it other than by perpetuation of colonialism. Repayment is the fitting recompense—not subordination, either real or formal.

2. Canada has nothing to be grateful for. Sir Richard Cartwright (I believe it was he) once said that we owe the United Kingdom nothing but a great deal of Christian forgiveness.

MR. GEORGE BROWN'S STATEMENT.

In Kingdom Paper No. 2, an extract was given from a letter written by Mr. George Brown (when in England) to John A. Macdonald (22nd December, 1864), in which Mr. Brown said that:

"there is a manifest desire, in almost every quarter, that, ere long, the British American colonies should shift for themselves, and, in some quarters, evident regret that we did not declare at once for independence. I am very sorry to observe this, but it arises, I hope, from the fear of invasion of Canada by the United States, and will soon pass away with the cause that excites it" (*b*).

Referring to this letter, a critic very properly points out that Mr. Brown was, himself, not certain that Canada's peril was the reason for the British desire for Canadian independence; and he denies the justness of Mr. Brown's inference.

There are two replies: In the first place, I quoted Mr. Brown's letter as evidence of the non-existence of imperialistic feeling in the United Kingdom at a time when imperialism did not obviously mean profit—as evidence of the generality of the existence of the "break-the-bonds-and-go" attitude assumed by British statesmen and the British public. Whether the reason for this attitude was, or was not, that indicated by Mr. Brown, is, for the purpose for which the letter was quoted, immaterial.

For second reply, it may fairly be contended that Mr. Brown's surmise was well founded; and it cannot be discredited as a reflection upon British valor, for the consideration of courage is not

(*a*) Jebb. *The Imperial Conference, p.* 316.
(*b*) *Life of Sir John A. Macdonald,* by Joseph Pope: I, p. 274.

involved. The United Kingdom had on its hands (1863–71) a most serious quarrel with the United States (anent the Alabama difficulty). Political connection with Canada, under such circumstances, was the chief cause of British anxiety and embarrassment—in case of war it gave to the United States a tremendous strategic advantage. Europe, moreover, was restless, and British troops for trans-Atlantic engagement against the United States were not available. Add to all this, the fact that for many years British opinion had favored separation from the colonies, and we can easily understand the British "fear of invasion of Canada by the United States," to which Mr. Brown referred.

His view is well supported by subsequent events. Canadians will not soon forget Senator Sumner; his leadership in United States politics (*a*); and his outspoken advocacy of the annexation of Canada in satisfaction of the Alabama claims—a proposal which, at the time (1869–70), we so sharply resented. It now appears that the Senator knew more than we did. He was not "twisting the lion's tail," as we then imagined. He had reason to know (and we now all agree with him) that a proposal for the separation of Canada from the United Kingdom would have been received in London with complacency, if not with genuine satisfaction. His advocacy was based upon that knowledge.

Here are some of the facts. Mr. Sumner's memorable speech in the Senate was made on the 21st April, 1869. He was followed by Senator Chandler who advocated force, if annexation were not quietly agreed to:—

"If Great Britain should meet us in a friendly spirit, acknowledge her wrong, and cede all her interests in the Canadas in settlement of these claims, we will have perpetual peace with her; but if she does not we must conquer peace. We cannot afford to have our enemy's base so near us. It is a national necessity that we should have the British possessions" (*b*).

On the 8th June following, Sir Edward Thornton (British Ambassador at Washington) called upon Mr. Fish, (the United States Secretary of State) to discuss the Alabama matter. At that interview, Mr. Fish said to him:—

"that our claims were too large to be settled pecuniarily, and sounded him about Canada, to which he replied that *England did not wish to keep Canada*, but could not part with it, without the consent of the population" (*c*).

(*a*) He was Chairman of the Senate Committee on Foreign Relations.
(*b*) C. F. Adams: *Lee at Appomatox*, &c., p. 152–3.
(*c*) *Memoir and Letters of Charles Sumner*, IV, p. 409

Mr. Fish immediately communicated this fact to Senator Sumner, who, three days afterwards (11th June) sent on the information to the American Ambassador at London (Mr. Motley). Later in the year, to a renewal of the same proposal, Sir Edward Thornton replied:—

"Oh, you know we cannot do that. The Canadas find fault with me for saying so openly as I do that *we are ready to let them go whenever they wish*; but they do not desire it" (*a*).

What the British Ambassador was saying in Washington (no doubt under instructions from his government), the *Times* (no doubt under inspiration from the same source) published in London. In its issue of 18th December, 1869, it said:—

"Suppose the colonists met together, and, after deliberating, came to the conclusion that they were a very long way off from the United Kingdom . . . and that every natural motive of contiguity, similarity of interests, and facility of administration induced them to think it more convenient to slip into the Union than into the Dominion. Should we oppose their determination? We all know we should not attempt to withstand it, if it were clearly and intelligibly pronounced . . . Instead of the Colonies being the dependencies of the Mother Country, the Mother Country has become the dependency of the Colonies. We are tied, while they are loose. We are subject to danger, while they are free."

The petulance of this declaration can be understood and forgiven, but its accuracy must be denied. For the fact was that Canada was in far the greater danger, and was so, merely because she was tied to a country that had foolishly got itself into serious quarrel with the United States.

On the 6th December, 1869, the President of the United States (Grant) sent a message to Congress in which the general knowledge of the British attitude towards Canada was referred to:—

"The United States have no disposition to interfere with the existing relations of Spain to her colonial possessions on this continent. They believe that in due time Spain and *other European Powers* will find their interest in terminating those relations, and establishing their present dependencies as independent powers—members of the family of nations" (*b*).

In March, 1870,

"on the eve of the Franco-Prussian war, Secretary Fish had another long conversation with Sir Edward Thornton, which showed forcibly how conscious those composing the English Ministry were of the falseness of Great Britain's

(*a*) C. F. Adams: *Lee at Appomatox*, &c., p. 157.
(*b*) *Ibid*: p. 160, note.

position, and of the imminence of danger. The Secretary again urged on the Minister that her American provinces were to Great Britain a menace of danger; and that a cause of irritation, and of possible complication, would, especially in those times of Fenianism, be removed, should they be made independent. To this Mr. Thornton replied: 'It is impossible for Great Britain to inaugurate a separation. *They are willing, and even desirous, to have one. Europe may at any moment be convulsed*; and, if England became involved, it would be impossible to prevent retaliation, and the ocean would swarm with Alabamas. England would then be compelled to declare war' " (*a*).

To this attitude—the impossibility of the United Kingdom inaugurating the separation, (which, nevertheless, she wished to see) Sir Edward Thornton adhered, and as there was no hope of the suggestion coming from Canada, the idea had to be abandoned (*b*). At length, in 1871, an agreement for the adjustment of the Alabama difficulty and other questions was arrived at—an agreement in which, as usual, the interests of Canada were ignored and sacrificed in order that the United Kingdom might have friendly relations with the United States. Against the consummation of the agreement, Sir John A. Macdonald most vigorously, but in vain, protested; and his opinion of the British negotiators is to be found in his statement that they had

"Only one thing in their minds—that is to go home to England with a treaty in their pockets, settling everything, no matter at what cost to Canada" (*c*).

British statesmen were of course much annoyed at Canada's assertion of her rights, and *The Times* produced the following:—

"FROM THIS DAY FORTH LOOK AFTER YOUR OWN BUSINESS: YOU ARE BIG ENOUGH, YOU ARE STRONG ENOUGH . . . WE ARE BOTH NOW IN A FALSE POSITION; AND THE TIME HAS ARRIVED WHEN WE SHOULD BE RELIEVED FROM IT. TAKE UP YOUR FREEDOM, YOUR DAYS OF APPRENTICESHIP ARE OVER" (*d*).

That was the attitude of British statesmen and the British public towards Canada during the period in which there was no profit in imperialism—at a period when the United Kingdom had, by stupid bungling, brought Canada to the very verge of destructive, possibly annihilating, war with the United States. Mr. Brown guaged British opinion accurately in 1864.

(*a*) Ibid., pp. 158–9.

(*b*) The proposal had been made in semi-facetious form by the American Ambassador at London at a dinner of the Colonial Society, on 10th March, 1869; that is, in the month previous to Senator Sumner's speech. And it was formally renewed during the 1871 negotiations at Washington. Morley's *Life of Gladstone*: Vol. II, p. 401, note.

(*c*) Joseph Pope: *Life of Sir John A. Macdonald*, Vol. II, p. 105.

(*d*) Spencer Walpole: *History of Twenty-five Years*, Vol. III, p. 87.

PRACTICAL INDEPENDENCE.

A Winnipeg critic challenges the assertion of our practical independence, upon the ground that the conduct of our foreign affairs is beyond our control; and I am asked, specifically, whether we could enter into a war-alliance with Germany.

According to currently-accepted constitutional law, Canada has no control over her foreign relations. Treaties are made in the name of the King; and His Majesty's British Ministers assume the right to advise him with reference to assent to them, even although they relate to Canadian matters only. The reason for that is, of course, historical. It is a relic of the time when our Governors governed, and Downing Street sent them their orders. Now the position of the British government with reference to Canadian matters is (as lawyers would call it) that of a bare trustee—a trustee whose duty it is to do as his beneficiaries tell him. That government is a part, and not at all an important part, of the form in which Canadian treaties are authenticated.

Before enlarging upon that point, let me answer the specific question: Could we form a war-alliance with Germany? Theoretically, we could not. The King's assent would be necessary. Probably, he would not give it. All that the Canadian government, in that case, could do, would be to resign. If its successor tendered the same advice (of course we are assuming impossibilities) and was ignored, it, too, would resign; and the King would probably very soon cease to reign in Canada. That is all theory. Practically, Canada has power to do as she pleases, in war as well as in peace.

Theory has ways of adapting itself to actuality. In England, the King's veto was at one time a very substantial reality. It fell into disuse, and the other day the British Prime Minister said that it was "as dead as Queen Anne" (the sovereign who last exercised it). To-day, nothing can become law without the assent of the King; but that assent is a part of the form merely in which laws are enacted. If the King refused his assent he would not be very long King. That, too, is all theory, and has now become impossible.

To those who hesitate to affirm the practical independency of Canada, I recommend the language which Sir Wilfrid Laurier employed in the presence of the Prince of Wales, now King George, (July, 1908) at a banquet tendered by Lord Grey at Quebec to the representatives of the self-governing Dominions:—

"The fact that we are a colony does not alter the truth of the statement which I have made before you. The inferiority which may be implied in the

word colony no longer exists. We acknowledge the authority of the British Crown, but *no other authority* " (*a*).

At another time (as already quoted) Sir Wilfrid said that:—

"the King of England has no more rights over us than are allowed him by our own Canadian parliament" (*b*).

Is there any Canadian anywhere who disavows those statements? Every one who approves them is a nationalist. And if we all declare them separately, why should we not declare them together?

TREATY-MAKING POWER.

A short sketch of the development of our treaty-making power will help the understanding of our present position; and give us, also, a good view, in one department, of the evolutionary process through which we have developed.

In 1871, Sir John A. Macdonald was one of five commissioners who negotiated the treaty of Washington. It was the first occasion upon which Canada had an opportunity of observing the spirit in which British diplomats dealt with Canadian affairs. Sir John's opinion of them appears on a previous page (*c*).

In 1874, George Brown was appointed as one of two plenipotentiaries to negotiate a treaty with the United States, with reference to commerce, navigation and fisheries. On this occasion, Canada had an equal voice in the negotiations, and the terms offered by the United States not being satisfactory, no treaty was made. Mr. Brown was willing to go home without a treaty.

"This mode of representation was insisted upon by the Mackenzie Government, in view of the unsatisfactory results of the negotiations of 1871, when Sir John Macdonald, as one commissioner out of six, made a gallant but unsuccessful fight for the rights of Canada" (*d*).

In 1879, in connection with the appointment of a High Commissioner in London, the Canadian Government gave as a reason for its proposal:

"that the very large, and rapidly augmenting, commerce of Canada, and increasing extent of her trade with *foreign nations*, is proving the absolute necessity of *direct negotiation* with them for the proper protection of her interests. In

(*a*) Montreal *Herald*, 27 July, 1908.
(*b*) Ante, p. 5.
(*c*) Ante, p. 67.
(*d*) John Lewis: *Life of George Brown*, p 227.

most of the treaties of commerce entered into by England, reference has only been had to their effect on the United Kingdom, and the colonies are excluded from their operation, a fact which has been attended with most unfortunate results to Canada as relates to France . . . The Canadian Government, therefore, submit that when needs occasion such negotiations to be undertaken, Her Majesty's Government should advise Her Majesty specially to accredit the representative of Canada to the foreign Court, by association, for the special object, with the resident Minister or other imperial negotiator" (*a*).

Sir A. T. Galt commenced his diplomatic activities (1879) with an attempt at negotiations with Spain. But he could do nothing. He had to communicate through the British Ambassador, and (as Sir Charles Tupper afterwards quoted him):—

"He said that he found himself greatly hampered in discharging the duties imposed upon him by the Government of Canada, because he only stood in the position of a commercial commissioner, and it was necessary that all his negotiations with the government of Spain, *should be filtered through Her Majesty's Minister* at the Court of Madrid" (*b*).

In 1882, Edward Blake moved in the House of Commons the following resolution:—

"That it is expedient to obtain all necessary powers to enable Her Majesty, through Her representative, the Governor-General of Canada, acting by and with the advice of the Queen's Privy Council for Canada, to enter, by an agent or representative of Canada, into *direct communication* with any British possession or *foreign state*, for the purpose of negotiating commercial arrangements tending to the advantage of Canada, subject to the prior consent, or the subsequent approval of *the parliament of Canada*, signified by Act" (*c*).

Sir John A. Macdonald opposed the motion, saying:—

"Disguise it as you will, this means separation and independence . . . A British subject I was born, and a British subject I hope to die" (*d*).

Sir John was undoubtedly right in saying that control of our own foreign affairs meant "separation and independence" (*e*). We now have that control.

In 1884, Sir Charles Tupper succeeded in having himself appointed as joint-plenipotentiary with the British Ambassador in Spain, for the purpose of negotiating with reference to our com-

(*a*) Quoted in Canadian *Hansard*, 1892, p. 1952.
(*b*) *Hansard*, 12th May, 1887, p. 396; and see Canadian Sessional Papers, 1894, No. 56A, p. 98.
(*c*) *Hansard*, 1882, p. 1075.
(*d*) Ibid, p. 1078.
(*e*) Mr. W. E. Forster, the founder of the Imperial Federation League took the same view of Mr. Blake's proposal (*Nineteenth Century*, *Feb.* 1885, p. 216).

mercial relations with that country. Sir A. T. Galt's previous dissatisfaction with a subordinate position was of service to Sir Charles in 1884.

In 1887, at the Colonial Conference of that year, Sir Dillon Bell (New Zealand) proposed

"that colonial governments should be allowed to negotiate commercial treaties with foreign powers under the direction and supervision of Her Majesty's ambassadors at foreign courts" (*a*).

In deference to adverse opinion, the proposal was withdrawn.

In 1888, Sir Charles Tupper was associated with Mr. Joseph Chamberlain and the British Ambassador at Washington, in the negotiations which led to the unconfirmed fisheries treaty with the United States of that year, and to agreement upon a most advantageous *modus vivendi*—one that was of the greatest value, not only in its operation, but in the precedent which it set for the arbitrators in the recent proceedings at the Hague.

To Sir Charles Tupper is due the credit for the initiation of those negotiations, and to him (splendidly supported by Mr. Chamberlain) is to be credited the successful issue. British diplomacy had been proceeding in the same round-about, unsatisfactory way; nothing was being accomplished; and Sir Charles (perhaps a little irregularly) went down to Washington (May, 1887) and talked the matter over with Mr. Bayard, the United States Secretary of State. Shortly afterwards Sir Charles received from Mr. Bayard a letter (31st May, 1887) marked "Personal and unofficial," (*b*) agreeing to oral negotiations. Some of the passages of the letter are interesting:—

"In the very short interview afforded by your visit, I referred to the embarrassment arising out of the gradual emancipation of Canada from the control of the mother country, and the consequent assumption by that community of attributes of autonomous and separate sovereignty, not, however, distinct from the Empire of Great Britain.

"The awkwardness of this imperfectly developed sovereignty is felt most strongly by the United States, which cannot have formal treaty relations with Canada, except indirectly and as a colonial dependency of the British Crown; and nothing could better illustrate the embarrassment arising from this amorphous condition of things than the volumes of correspondence published, severally, this year, relating to the fisheries, by the United States, Great Britain, and the Government of the Dominion.

"The time lost in this circumlocution, although often most regrettable, was the least part of the difficulty, and the indirectness of appeal and reply was the most serious feature, ending, as it did, very unsatisfactorily.

(*a*) Proceedings, p. 479.
(*b*) He could not, at that date, have written to a Canadian in any other way.

"It is evident that the commercial intercourse between the inhabitants of Canada and those of the United States has grown into too vast proportions to be exposed much longer to this wordy triangular duel, and more direct and responsible methods should be resorted to."

"I presume you will be personally constituted a plenipotentiary of Great Britain to arrange here, with whomsoever may be selected to represent the United States, terms of arrangement for a *modus vivendi* to meet present emergencies and also a permanent plan to avoid all future disputes."

"The gravity of the present conditions of affairs between our two countries demand entire frankness.

I feel we stand at 'the parting of the ways'. In one direction I can see a well-assured, steady, healthful relationship, devoid of petty jealousies, and filled with the fruits of a prosperity arising out of a friendship cemented by mutual interests, and enduring because based upon justice; on the other, a career of embittered rivalries, staining our long frontier with the hues of hostility, in which victory means the destruction of an adjacent prosperity without gain to the prevalent party—a mutual physical and moral deterioration which ought to be abhorrent to patriots on both sides, and which I am sure no two men will exert themselves more to prevent than the parties to this unofficial correspondence."

"The roundabout manner in which the correspondence on the fisheries has been necessarily (perhaps) conducted has brought us into a new fishing season, and the period of possible friction is at hand, and this admonishes us that prompt action is needed.

I am prepared, therefore, to meet the authorized agents of Great Britain at this capital at the earliest possible day, and enter upon negotiations for a settlement of all differences" (*a*).

In replying, Sir Charles said (10th June, 1887):—

"I note particularly your suggestions that as the interests of Canada are so immediately concerned, Her Majesty's Government should be invited to depute a Canadian statesman to negotiate with you 'a *modus vivendi*' to meet present emergencies, and also a 'permanent plan to avoid all disputes' and I feel no doubt that a negotiation thus undertaken would greatly increase the prospects of a satisfactory solution.

I say this, not because I believe that there has been any disposition on the part of the British Government to postpone Canadian interests to its own, or to retard by needless delay a settlement desired by and advantageous to the people of Canada and of the United States, but because I have no doubt that direct personal communication will save valuable time and render each side better able to comprehend the needs and the position of the other."

"I have thought it my duty and also the most effectual manner of giving effect to your suggestion to make known to Lord Lansdowne the purport of my correspondence with you. He is strongly desirous of facilitating a settlement, and will at once bring the matter before the Secretary of State with an expression of his hope that no time will be lost in taking steps for establishing by means of personal communications with your Government, a *modus vivendi* such as you have described, and also for arriving at an understanding in regard to a lasting adjustment of our commercial relations" (*b*).

(*a*) North Atlantic Fisheries Arbitration, U. S. C. App., pp. 942, 3.
(*b*) Ibid., pp. 944, 5.

In 1891 (30th September), a very important address to the Queen was adopted by the Canadian Senate and House of Commons. Some years previously, commercial treaties had been made with Germany and Belgium by the United Kingdom without Canada's assent having been asked, and without any consideration of her interests. These treaties contained the most-favored nation clause, and Canada, therefore, in making agreements with other countries, found herself embarrassed by the fact that every concession which she made to other countries passed automatically to these two countries. Canada asked for the termination of these treaties, and in her address she declared:—

"that these provisions in treaties with foreign powers are incompatible with the rights and powers subsequently conferred by the British North America Act upon the parliament of Canada, for the regulation of the trade and commerce of the Dominion; and that their continuance in force tends to produce complications and embarrassments in such an empire as that under the rule of Your Majesty, *wherein the self-governing colonies are recognized as possessing the right to define their respective fiscal relations to all foreign nations*, to the mother-country and to each other".

This statement of rights appears to be perilously near to what Sir John A. Macdonald had, in 1882, denounced as "separation and independence"; but ideas had broadened in the intervening nine years, and it was Sir John's government (by Sir John's Finance Minister, Mr. George E. Foster) that proposed the address. Ideas had widened in Canada, but not to the same extent in the United Kingdom; and the Colonial Secretary in declining to comply with Canada's request said (2nd April, 1892):—

"In so far as the right here claimed consists in fixing rates of customs-duties applying equally to all foreign nations, the mother-country, and the British colonies, Her Majesty's government do not contest the statement. But if the statement is to be taken as extending to a claim of right to establish discriminating treatment between different foreign nations, or against the mother-country, or in favor of particular colonies, Her Majesty's government are obliged to point out that the claim is stated too broadly; for no such general right has hitherto been recognized, nor is it clear that it would be admitted by foreign countries" (*a*).

Space is not now available to tell how Canada insisted, and finally had her way (1897). The story is told in my book "*The Kingdom of Canada*," pp. 259–268.

In 1892, the conduct of Canada's foreign relations was debated twice in the Canadian House of Commons. On April 7th, Mr. Mills moved as an amendment to supply:—

(*a*) Canadian *Hansard*, 1892, p. 1471.

"that all the words after the word 'that' be left out, and the following inserted instead thereof: 'It is expedient to obtain the necessary powers to enable Her Majesty the Queen, through her representative the Governor General of Canada, upon the advice of His Ministers, to appoint an agent to negotiate commercial treaties with other British possessions, and *with foreign states*, subject to the prior consent or subsequent approval of *the Parliament of Canada*" (*a*).

In answering Mr. Mills, Mr. George E. Foster said:—

Now, sir, there is only one thing left, there is only a single power left, which would show the difference between Canada as she is to-day, and a complete and absolute sovereignty, and that is the power, the imperial and absolute power of making treaties with other countries, subject to no conditions and to no control except her own interests as shown through her parliament and through her government. But, sir, when that position is reached, I think you come to the position of *an absolute and independent* power, and you are face to face with a change of political condition, a change of political status, to which honorable gentlemen may shut their eyes, but which, in the logic of events, is as sure to follow as night follows the setting of the sun. Now comes the practical question so far as the debate is concerned, although it is a question that does not cause the least commotion in this country, but if we are to debate it and to settle it by a vote of the House, the practical question is this: *Are we prepared to take that other step with all the consequences which inevitably follow it?*"

The motion was lost. Late in the same session (2nd May) Mr. Dalton McCarthy (a Conservative, but at the time at enmity with the government) moved a resolution affirming the necessity for the appointment of a Canadian representative at Washington. The government amendment (proposed by Sir Charles Tupper) marked the great advance since the defeat of Mr. Blake's motion of ten years before:—

"It is expedient that communications be opened with Her Majesty's government in order to bring about such fuller representation of Canadian interests at Washington, and at the capitals of other countries in which such other representation may be found desirable, as may be consistent with the proper relations which should exist between Great Britain and Canada" (*b*).

This amendment was adopted by the House.

In 1893, Sir Charles Tupper was appointed as joint-plenipotentiary with the British Ambassador at Paris to negotiate a commercial treaty, and on this occasion he did the actual work.

Notwithstanding this fact, the Foreign Office in 1895 (28th June) declared that:—

(*a*) *Hansard*, 1892, p. 1123.
(*b*) Ibid., p. 2467.

"To give the colonies the power of negotiating treaties for themselves without reference to Her Majesty's Government would be to give them an international status as separate and sovereign states, and would be equivalent to breaking up the Empire into a number of independent states".

And after something of a lecture on the evils of preferential tariffs, the Colonial Secretary said:—

"But the guardianship of the common interests of the Empire rests with them" (the British Government) "and they could not in any way be parties to, or assist in, any arrangements detrimental to these interests as a whole. In the performance of this duty, it may sometimes be necessary to require apparent sacrifices on the part of a colony, but Her Majesty's Government are confident that this general policy in regard to matters in which colonial interests are involved is sufficient to satisfy the colonies that they will not, without good reason, place difficulties in the way of any arrangements which a colony may regard as likely to be beneficial to it" (*a*).

One can hardly believe that Canada had to listen to language of that sort only sixteen years ago. Of course the whole assumption is now entirely gone, and its funeral oration delivered by Mr. Balfour may be read ante, page 6.

In 1907, the Canadian Government, through Messrs. Fielding and Brodeur (in nominal association with the British Ambassador at Paris) negotiated a commercial treaty with France. Upon this occasion, the only knowledge which the British Government, or the British Ambassador, had of the proceedings was, as Mr. Balfour said "a purely technical knowledge" (*b*). It was Mr. Fielding who wrote from Paris to the British Foreign Office saying that the treaty was nearly ready, and asking that arrangements might be made for its adoption without delay (*c*).

Shortly after the conclusion of the treaty, Sir Wilfrid Laurier, in an after-dinner speech referred to it in this way:—

"It has long been the desire, if I mistake not, of the Canadian people that we should be entrusted with the negotiation of our own treaties, especially in regard to commerce. Well, this looked-for reform has come to be a living reality. Without revolution, without any breaking of the old traditions, without any impairment of our allegiance, the time has come when Canadian interests are entrusted to Canadians and just within the last week, a treaty has been concluded with France—a treaty which appeals to Canadians alone, and which has been negotiated by Canadians alone" (*d*).

(*a*) Cd. 7824.
(*b*) Ante, p. 6.
(*c*) Canadian Sessional Papers, 1907–8, No. 10B.
(*d*) Quoted *Hansard*, 1907-8. p. 1260.

It is difficult to believe that there is in Canada a set of men (in other respects excellent Canadians) who dislike language of that sort, and who do not share in the general pleasure aroused by every advance towards nationhood. Unfortunately, the fact is that imperialists (some of them) have always objected to every such advance, and have done their best to thwart every increase in self-governing power. Our efforts to secure the treaty-making power have experienced the same opposition, and Mr. George E. Foster replied to Sir Wilfrid as follows:—

> "If this is simply an attempt to make party capital, it is supremely silly. But if it is a serious attempt and goes further than that, it is not only silly but mischievous and wrong. We are a part of the Empire and are bound by the constitution of the British Empire. It is silly and mischievous for any man or any government to teach the people of Canada that they have powers which they have not, and cannot have without disintegration and separation taking place"(a).

In 1909, following the example of Australia (1900), the parliament of Canada created a Department of External Affairs, and it is interesting to note a few circumstances associated with this very significant advance towards independence.

A careful student of the Canadian constitution (*b*) said of the clause in the Australian Commonwealth Act assigning to the federal parliament jurisdiction respecting "external affairs" that

> "it will look, I should submit, as though the imperial parliament intended . . . to divest itself of its authority over the external affairs of Australia, and commit them to the Commonwealth parliament" (*c*).

Such was not, however, the interpretation placed upon the clause either by Australia or by the Colonial Office. Australia conceded that what was meant was

> "affairs external to the Commonwealth, not external to the Empire" (*d*).

and the Colonial Secretary declared that Australia had power

> "to deal with all political matters arising between them, and any other part of the Empire; or (*through His Majesty's Government*) with any foreign Power" (*e*).

Australia was not to correspond *directly* with foreign powers. Between the date of this declaration (1900) and the date of Canada's establishment of her Department of External Affairs

(*a*) *Hansard*, 1907-8, p. 1265.
(*b*) Mr. A. H. F. Lefroy.
(*c*) *Law Quarterly Review*, July, 1899, p. 291.
(*d*) British Sessional Papers, 1903, Vol. 44, p. 95.
(*e*) Ibid, p. 87.

(1909) many things happened, and the language used by Sir Wilfrid Laurier in the debate upon the Canadian bill was in sharp contrast, not only to the interpretation put upon the Australian constitution but to the official view taken by the British Government of the Canadian bill. Quoting the latter first, Mr. Asquith said in the House of Commons:—

"It is understood that the Canadian Government propose to establish a Department of External Affairs. This Department is merely intended—like the corresponding department of the Commonwealth Government—to conduct correspondence with the Secretary of State for the Colonies, and His Majesty's Ambassador at Washington, and with the several departments of the Canadian Government. No suggestion has been made by the Canadian Government for the increase of their powers in dealing with external affairs."

Here is the same exclusion of direct negotiations with foreign powers. Such, however, was not at all Sir Wilfrid Laurier's view. He knew (and so did Mr. Asquith) that Canada had, upon various occasions, been engaged, quite separately from the British Foreign Office, in negotiations with other nations, and he defended the bill as follows:—

"All governments have found it necessary to have a department whose only business shall be to deal with relations *with foreign countries*, and in our judgment Canada has reached a period in her history when we should follow the example of other countries in that respect, as, for example, the Commonwealth of Australia" (*a*).

"I suggest to my honorable friend (Mr. R. L. Borden) that we have now reached a standard *as a nation* which necessitates the establishment of a Department of External Affairs. It is not unnatural that the hon. gentleman should ask why the machinery of the Department of the Secretary of State is not sufficient for the purpose. We have given this matter a good deal of consideration and the conclusion we have arrived at is that the *foreign affairs* with which Canada has to deal are becoming of such absorbing moment as to necessitate special machinery" (*b*).

Sir Wilfrid enumerated the foreign negotiations in which Canada had been engaged, and proceeded:—

"Now this alone will show to the House that Canada has reached a position where *foreign relations* have assumed a very important character. . . . . .

Under such circumstances, I repeat, it is not extraordinary that the volume of *foreign affairs* has assumed such proportions as to make it indispensable that we should have officers trained for the purpose, whose business shall be to deal with such questions and such questions alone" (*c*).

(*a*) *Hansard*, 1909, p. 1950. The Australian precedent was not sufficient; but nobody pointed that out.
(*b*) Ibid., p, 1980.
(*c*) Ibid., p. 1981.

In accordance with Sir Wilfrid's language, the statute (8 & 9 Ed. VII, c. 13) expressly refers to negotiations with foreign countries:—

"The Secretary of State . . . shall have the conduct of all official communications between the government of Canada and the government of *any other country* in connection with the external affairs of Canada, and shall be charged with such other duties as may, from time to time, be assigned to the department by order of the Governor in Council in relation to such external affairs, or to the conduct and management of *international* or intercolonial negotiations, so far as they may appertain to the government of Canada".

Canada, therefore, has established a special department of her government to deal with external affairs, and the first report of the "Under-Secretary of State for External Affairs" has been issued (*a*). The department has had plenty of work. Let us take a rapid view of the occurrences of the last four years:—

Canada negotiated, with France, the convention of 19th September, 1907, and modified it by the subsequent convention of 23rd January, 1909.

Canada agreed (1908) with the United States upon joint regulations for the preservation and propagation of food fishes in waters contiguous to the boundary.

Canada arranged a treaty (1908) with the United States for the precise delimitation of the international boundary from the Atlantic to the Pacific.

Canada arranged, with Germany, a cessation of the tariff-war between the two countries (effective 1st March, 1910), and intends prosecuting further negotiations.

Canada arranged an agreement with Italy (Canadian Order-in-Council, 7th June, 1910), and proposes a more formal treaty.

Canada has had negotiations with Belgium and the Netherlands, and has given to those countries the benefit of the intermediate tariff (7th June, 1910).

Canada made arrangements (1910) with the United States, and in consequence obtained the benefit of the minimum tariff of that country. And more recently Canada negotiated with the United States an arrangement for the reciprocal reduction of tariff duties upon a large list of products.

Canada made a treaty with the United States (1910) with reference to boundary waters.

Canada is carrying on harmonious survey work with the United States in order to settle the boundary line along the 141st meridian of west longitude.

(*a*) Sessional Papers, 1910, No. 29B.

Canada is engaged in negotiations with the United States with a view to settlement of the long-standing difficulty about pelagic sealing in the Pacific.

The treaty with the United States with reference to boundary waters (above referred to) really extends very far beyond that particular subject of controversy. It is a general arbitration treaty, under which all questions, of every sort, arising between Canada and the United States may be adjusted by friendly proceedings. It provides for the appointment of an International Joint Commission of six members—three to be appointed by the President of the United States and three

"on the recommendation of the Governor-in-Council of the Dominion of Canada.

(a provision which will save us from repetition of the Alaska disaster). And Article 10 is as follows:—

"*Any questions or matters of difference* arising between the High Contracting Parties involving the rights, obligations, or interests of the United States or of the Dominion of Canada, either in relation to each other or to their respective inhabitants, may be referred for decision to the International Joint Commission by the consent of the two Parties, it being understood that on the part of the United States, any such action will be by and with the advice and consent of the Senate, and on the part of His Majesty's Government with the consent of *the Governor-General-in-Council*. In each case so referred, the said Commission is authorized to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed with respect thereto by the terms of the reference.

A majority of the said Commission shall have power to render a decision or finding, upon any of the questions or matters so referred.

If the said Commission is equally divided or otherwise unable to render a decision or finding as to any questions or matters so referred, it shall be the duty of the Commissioners to make a joint report to both Governments, or separate reports to their respective Governments, showing the different conclusions arrived at with regard to the matters or questions so referred, which questions or matters shall thereupon be referred for decision by the High Contracting Parties to an umpire chosen in accordance with the procedure prescribed in the fourth, fifth and sixth paragraphs of Article XLV of The Hague Convention for the pacific settlement of international disputes, dated October 18, 1907. Such umpire shall have power to render a final decision with respect to those matters and questions so referred on which the Commission failed to agree."

When we remember that in 1892 the British Foreign Office declared that

"To give the colonies the power of negotiating treaties for themselves without reference to Her Majesty's Government would be to give them an international

status as separate and sovereign states, and would be equivalent to breaking up the Empire into a number of independent states" (*a*);

that the treaty just quoted was negotiated by a Canadian (Sir George Gibbons) working in harmonious co-operation with the British Ambassador at Washington, who delights to speak of himself as Canadian Ambassador; and that that treaty provides for the settlement of all future questions by direct negotiation between Canada and the United States, and without reference to His Majesty's (British) Government, the control by Canada of her foreign affairs becomes very apparent. The Foreign Office was quite right in saying that that is

"equivalent to breaking up the Empire into a number of independent states."

What a splendid change from the situation of a very few years ago! How impossible to think of returning to the old system—the Canadian Government to the Governor-General; the Governor-General to the Colonial Secretary; the Colonial Secretary to the Foreign Secretary; the Foreign Secretary to the British Ambassador at Washington; the British Ambassador to the United States Secretary of State, and back by the same route. Now the President of the United States meets two Canadian Ministers at Albany; or sends some of his officials to confer with them at Ottawa; or a Canadian barrister, Sir George Gibbons, or our Under-Secretary of State for External Affairs, goes to Washington for oral negotiation. We may make mistakes; but probably no one will ever be able to say of our diplomacy what Mr. Edward Blake has said of British:—

"It is said that we cannot have the benefit of the diplomatic service of England. Much good it has done us, Mr. Speaker. The history of the diplomatic service of England, as far as Canada is concerned, has been a history of error, blunder, wrong, and concession" (*b*).

In 1892 Sir Wilfrid Laurier said:—

"Is there a Canadian anywhere who would not hail with joy the day when we would be deprived of the services of British diplomacy. Whot has been British diplomacy to us, Sir. British diplomacy, so far as Canada is concerned, has been a record of failure, and of surrender and sacrifice. British diplomacy has sacrificed our lake frontier. British diplomacy has sacrificed our Oregon territories. British diplomacy has allowed the State of Maine to indent our own country. British diplomacy has sacrificed our Fenian claims, even though at that time the services of British diplomacy had a Canadian negotiator. It

(*a*) Ante. p. 5.
(*b*) *Hansard*, 1882, p. 1074.

is well known, and I will repeat it, that I have no very great confidence in hon. gentlemen opposite, but I would rather have a Canadian Tory than an English Liberal, for the negotiation of a treaty with a foreign country in the interest of Canada. These gentlemen opposite are really too timid" (*a*).

Sir Charles Dilke's testimony (and few higher authorities can be quoted) has said:—

"It is a fact that, in by-gone days, British diplomacy has cost Canada dear" (*b*).

That is all quite true, but it is all perfectly natural. At any rate, the story is finished.

IMPERIALISM AND PROFIT.

A military critic protests somewhat vigorously against the association of British imperialism with profit. Undoubtedly the idea is not a pleasant one for imperialists, but the facts are undeniable that British imperialism disappeared when the profit of it disappeared; that it re-appeared with the re-appearance of profit; that it became almost hysterical under stress of the German scare; and that the idea of Canada as a possession, as something extraneous but useful, as something not British but very valuable to Great Britain, as something that owes fealty and military aid, is still (underneath all the affectionate effusions) the dominant British view. It breaks out every now and then in such language as that used a few days ago by Lord Curzon when, in speaking of Canada's rapid expansion, he said:—

"We, here in England, are not going to see one of her most splendid assets cut out of the Empire" (*c*).

The close association of British imperialism and profit appears very clearly in the use which British imperialists have made of the profit in order to further their plans. What else could have given imperialism its vogue? Does anybody imagine that preaching the duty to love and defend "millstones" would have ever moved stolid Britishers to enthusiasm? And does any one think that any apostle sufficiently crazy could have been found to undertake the attempt?

(*a*) Hansard, 1892, p. 1143–4
(*b*) *Problems of Greater Britain*, p. 107.
(*c*) Montreal *Star*, 30th May, 1911. Other examples were given in Paper No. 1, p. 16.

From the very beginning of the revival of British imperialism, the profit that is in it has been the incentive and stimulus by which the preachers have recommended their cult. The earliest of them, Mr. W. E. Forster, adopted that method—the only possible method—and the others have all pursued it. Writing in the *Nineteenth Century* for March, 1885, Mr. Forster said:—

"No one can deny that the present outlook is dark and stormy. This is a time of trial for the strength and virtue of Englishmen; but these times of trial have not been few or far between in our history, and as before, so now, England will face her dangers and surmount her difficulties. I have hope for my country, because I have faith in my fellow-countrymen. Yet, there is ground, both for sorrow and anxiety. We have lost our beloved hero, and many of our bravest men; we are engaged in a dangerous and most costly enterprise; the strain upon our army and our navy is severe; and the great Powers of Europe, with the exception of Italy, who has shown that she has not forgotten who was her disinterested friend in her time of need, appear to be considering what advantage they can obtain from our difficulties.

But there are two rays of sunlight across the dark prospect. Our soldiers and sailors have given clear proof that they have the endurance and courage and devotedness of their fathers. This is no new fact, though it is well that other nations should at this crisis be reminded that it is a fact with which any enemy of England will have to reckon. But there is a new fact, and that is, that our colonial fellow-countrymen have proved that they are not only willing but longing to take their share in the defence of our common country. I never doubted this willingness; I was sure that it would be shown; but there is not much heed given to expectations or prophecies until they are realized, and therefore I cannot wonder that *these offers of colonial aid have struck the British public with pleased surprise.*"

Who can blame the British public for becoming imperialistic when it brought them such an extremely pleasant surprise in such times of darkness and distress? Great colonies "not only willing but longing to" help them in their wars, and in wars (as very many of them believed) not only "in the defence of our common country" but in wars of attack upon other countries. The British public would be phenomenally stupid if they did not appreciate the value of colonies of that sort (*a*).

Colonial assistance in the wantonly aggressive war against the Transvaal (1899–1902) gave a tremendous impetus to British imperialism; and, with almost any other opponent than Sir Wilfrid Laurier, Mr. Chamberlain would probably have swept Canada off her feet. We are now past the last great crisis in our political history. Our independence is assured. There remains but the declaration of the fact. I should like to live to hear Sir Wilfrid's inauguration speech.

(*a*) The connection between imperialism and profit is made very clear in Mr. Jebb's recent and most valuable book *The Imperial Conference*. See Vol. I, pp. 18, 20, 297, 298, 299, 305, 320.

IMPERIAL FEDERATION.

I am told that I ought not to assume that imperial federation is impossible, and that we ought to be content to await developments. But nobody gives me promise of developments. Nobody assures me that there will ever be any. Upon the contrary, some imperialists themselves admit that federation is wholly impracticable. A recent writer, indeed, tells us that:—

"The hope—nay, the conviction that they" (the problems) "are capable of solution has been growing in the minds of the present generation" (*a*).

But the very contrary of that is the fact.

In 1884, the Imperial Federation League was formed by persons who believed that study of the subject would evolve a plan. Its principal declaration was:—

"that in order to secure the permanent unity of the Empire, some form of federation is essential."

Not only, however, did nobody suggest a form, but Mr. W. E. Forster, the prime organizer of the League and the chairman of its first conference, said that:—

"he thought that those were the foes of union, or at any rate sceptics and unbelievers in it, who would ask them to define, then, what shape federation should assume."

Referring to this rather peculiar statement, a subsequent writer (Lord Norton) said:—

"This reminds one of a prospectus in the days of the South Sea Bubble 'for an undertaking which shall in due time be revealed.' The scheme was promised to be disclosed when the shares had been taken up" (*b*).

In 1893 the League dissolved because, after nine years effort, it was unable to produce a plan.

In 1896, Mr. Chamberlain (the greatest of the imperialists) referred to the history of the League (*c*) and said:—

"But during its career it was again and again challenged to produce a plan, and it was unwilling or unable to do so. Sir, I think that we may, at all events, learn from its experience that the realization of our hopes, if they are in the direc-

(*a*) *The Empire and the Century*, p. 24.
(*b*) *Nineteenth Century*, Sept. 1884, p. 506.
(*c*) Address to the Canadian Club in London, 25th March.

tion of federation of the Empire—their first realization—is a matter of such vast magnitude, and such great complication, that it cannot be undertaken at the present time."

In 1899, Lord Rosebery (at one time President of the Imperial Federation League) said:—

"You may be perfectly certain that, whatever your views and whatever your exertions, imperial federation in any form, is an impossible dream".

Sir Frederick Pollock (the first of English jurists) devoted much time and thought to the subject. He formed a very influential committee of fifty; lectured throughout Canada; and retired beaten. To a recent book, he contributed a chapter, in which he said:—

"Further, it is idle to discuss constitutional projects which, under the name of federation or otherwise, would impair the authority of autonomous legislatures within the Empire, or dispense the Ministers of any self-governing State from responsibility to their parliament. We are well assured that no such scheme would have any chance of being accepted, and there is no reason to suppose that the legislature of the United Kingdom would be more willing to derogate from its own domestic power than those of the Dominion of Canada or the Commonwealth of Australia" (*a*).

Sir Joseph Ward, the Premier of New South Wales, has no clearer idea of what he wants than any other imperialist. The other day he said:—

"Imperial Federation was an ideal to which, no doubt, they would work up gradually. What its ultimate shape would be, he could not, nor did he think anyone could predict" (*b*).

At the recent Imperial Conference Sir Joseph proposed the establishment of an Imperial Council—a seed from which federation might grow. He received no support, and withdrew his resolution.

In view of all this, we cannot be wrong in acting upon the conviction that imperial federation is impossible—impossible in view of the two facts (if no other) that Canada would never agree to give up her right to control every item of her own affairs, and that the United Kingdom would be equally stubborn about retention of her self-control.

(*a*) *The British Empire*, pp. 765, 6.
(*b*) *The Times*, (London, Eng.) 22nd April, 1911.

AN IMPERIAL COUNCIL.

At page 19 of Kingdom Paper No. 1, I referred to a conversation in which a member of the editorial staff of the *Times* (London, Eng.) proposed, with reference to union for defence:—

"an imperial council in which the predominant partner would have a predominant vote."

The gentleman referred to now writes to me that I misunderstood him. His council would act unanimously, or not at all:—

"Any common action decided upon by the imperial Council would therefore of necessity be action taken by the consent of all the Governments represented in it, and the consent would have to be real . . .I wish to make it plain that, so far as I know, no imperialist whose views deserve attention believes that imperial union can be achieved or maintained by any form of compulsion placed upon one partner by the other. It must always be a matter of consent, not only in its inception, but in all its operations, however long they may endure."

Unless I am again misunderstanding what is said, this proposal is open to various objections:—

1. It is not a proposal for imperial union at all. The nations are to meet, and agree upon some common action; and if they cannot, no harm has been done. It is a proposal for attempts at co-operation, and not a scheme or basis of union.

2. The Council is therefore one to which Germany and Austria might very well be invited, and from which the United States ought not to be excluded.

3. Good precedent for such a council is to be found in the occasional meetings of the European nations, and their attempts at European "concert." No one has ever confounded those consultations with organic union.

4. I can understand nations agreeing to undertake joint action at the call of any one of them, or at the instance of a majority of them. But I cannot imagine any nation thinking it worth while to enter into an agreement with any other nation, stipulating for common action if both should agree to undertake it; or (what would be still more extraordinary) that they should make an agreement that they would meet and consult as to whether they would agree to do something, and that if they agreed to do something they would do it. There is no sense in binding yourself now to do that which, in the future, you may agree to do.

5. It appears to me that the advocates of an imperial council as a defence-union, entirely overlook the manner in which wars arise. They seem to have in mind the case of a dispute suddenly appearing, upon some specific point, with some theretofore friendly nation; and they ask us, why representatives of the Associated States should not meet and discuss whether or not war should be engaged. But wars do not arise in that way. Usually they are the outcome of long-drawn misunderstandings, and jealousies, and rivalries, and suspicions, and apprehensions, and general animosity. Strained relations have been produced, and at the end, some trumpery little event (an Ems telegram, or the like) initiates and makes inevitable the commencement of hostilities. At what stage, for example, would an imperial council have intervened in the Boer negotiations? Before or after Kruger's twenty-four-hour ultimatum? If before, how long before? And would the council then have taken charge of the negotiations—everybody agreeing to everything? If after, of what use would the council have been?

6. If it is proposed that an imperial council is to be substituted for the British Foreign Secretary, I understand the suggestion; but I really cannot believe in the efficacy of a council for foreign affairs which must do nothing unless with the unanimous assent of the representatives of five widely separated nations. If, on the other hand, the British Foreign Secretary is to be left in charge of his accustomed duties, other Krugers may leave the council too little time for consultation, and too little business to transact.

7. The proposal under discussion is welcome to nationalists, as shewing the present attitude towards imperial union of all imperialists "whose views deserve attention." A very few years ago, political federation was the object of all imperialists, and Mr. Chamberlain himself at one time looked forward to it. Now, with the exception of a very few men (who continue to point to the federation of the United States, of Germany, of Canada, and of Australia. and, unintelligently, to ask us why imperial federation is impossible) it has been completely abandoned. Imperial union, indeed, of any sort, has been abandoned, if we are to take the word of the *Times* writer; for all that he suggests is a council in which nothing shall be done except by unanimous agreement.

8. If this really be the view of imperialists, then not only can there be no longer any valid objection to Canada's independence, but proof of its exceeding appropriateness has been supplied. For if the only form of union is to be one of co-operative character, and if all activities are always to be preceded by unanimous desire,

then the necessity for (at all events the great appropriateness of) formal, as well as real equality between the co-operating states becomes very apparent. Canada cannot be expected to enter a council in which she is to have equal voice, except upon a basis of equality in national rank.

AN IMPERIAL COURT OF APPEAL.

A British Columbia commentator, rather than critic, says:—

"We are not unmindful of the fact that the Judicial Committee of the Privy Council is the ultimate Court of Appeal from Canada, but if we are to remain in the Empire it is desirable that there shall be one final court of appeal, whose jurisdiction shall extend to every British land. If we are to have one law, we ought to have only one final interpretation of it. The constitution of this appellate court is a mere detail."

The writer overlooked the fact that we have not "one law". In Canada, alone, we have sometimes nine different laws upon the same subject—one for each province. Sometimes there is one law for all Canada, but there is very little chance of its being the same as in other parts of the Associated States. Scotch law, too, is so different from English law, that it employs a quite distinct terminology, and makes use of language as unintelligible to a Canadian as if it were Russian. In other parts of the Associated States, the Roman civil law prevails; in others, the Roman-Dutch law; in others, curious jumbles of the Hindu law. All these laws exhibit a tendency to even greater differentiation, and the only possible way to introduce legal uniformity (fortunately not an imminent danger) would be to abolish all legislatures but one. Indeed, that itself would not suffice, for the British Parliament frequently, and necessarily, enacts statutes for one of its kingdoms only.

There being thus a great variety of law, there cannot of course be "one final interpretation of it." And, indeed, the Judicial Committee of the Privy Council proceeds upon a principle the exact opposite of that suggested. It entirely disclaims the uniformity function. It endeavors to keep the various systems of law distinct, and in rendering decisions, to apply principles not derived from English or Scotch law, but principles familiar to the court appealed from. That the Committee should frequently fail in its attempt to administer all these differing and divergent laws, is but to say that its members are not omniscient and omnipotent. In performing their very difficult duty, they succeed very much better than anybody, without experience of them, could possibly believe;

and they would be still more successful if as much care was taken in the constitution of the Committee as is devoted to the constitution of the appellate board of the House of Lords (which hears appeals from England, Scotland and Ireland). But whether the work is well or badly done, it is impossible that settlement of Canadian law-suits by non-Canadian judges can be considered satisfactory, for two reasons:—

1. The members of the Committee cannot understand Canadian law as well as can Canadian judges.

2. Canadians cannot, without loss of self-respect, delegate any part of their government to any persons not Canadians. We would not ask the opinion of Britishers as to customs-tariffs, railways, banks, education, &c. We never request their views before we enact laws. Why should we ask them to say what these laws mean? Who ought to know?

NOT AT PRESENT.

It would appear that many readers of *The Kingdom Papers* accept its contentions, but would defer action. A Toronto friend puts his view in this way:—

> "The solution of these questions generally depends upon time and circumstances which work together, and, in the long run, the solution is worked out gradually, in the same way in which we 'muddle through' difficulties, with results that are after all, not very unsatisfactory."

To suggestion of this sort there are many replies. I mention the following:—

1. Nothing could have been more gradually worked out than Canadian independence. Throughout the whole century and a half of her political history, the advance from British military government to Canadian self-government has followed the true evolutionary process. Little-by-little, and step-by-step, we have risen from baby-hood to man-hood. Nationality has at length been reached. We have complete control of our own affairs; and the only question now is whether the title which we bear shall, or shall not correspond with our real rank. A colony can have no foreign relations; Canada has her own Minister of External Affairs, and is in constant negotiation with foreign countries—why should we continue the dishonoring name of "colony" when in reality we are an independent nation? A colony is subject to outside control; Canada

is not—why should her title indicate subjection? A colony is bound by her metropolitan's treaties; Canada is bound by nothing but obligations which she herself assumes—why should her title belittle her?

2. A baby becomes a boy; the boy becomes a man; and the man, objecting to being known as a boy, irritated by general assumption that he is a boy, and desiring recognition of his manhood, is told that he is too hasty, that the solution will be worked out gradually. But if he were to ask: What further gradations have I to pass through before my rank is to be acknowledged? what should we tell him? And if Canada asks the same question, what is the reply? What process remains? What steps must still be taken?

3. It is curious how a defect in character seems to be sometimes a sufficient and satisfactory reply to a well-founded charge of foolish action. Convict a Britisher of lack of prevision and prudent preparation, and he will tell you (probably with a certain amount of pride) that that is truly British—that Britishers always "muddle through in some way." Tell him that what he is doing is illogical and irrational, and he will, almost boastfully, reply that the British system is made up of anomalies and contradictions. Against replies of such sort, argument, of course, is unnecessary; for they admit the one point you are endeavoring to make, namely, that the action to which you referred is really absurd.

4. Underneath the language of my friend's criticism there is the very natural feeling of dislike of the final step. It may be natural, and even commendable, that a son should leave his father's house and front the world alone, but no one will blame, as weakness, a certain hesitancy, a certain distaste, a certain scruple. I confess that, personally, I have not a very large share in any sentiment which would be disturbed by a declaration of Canadian independence. I know too well the history of the relations between the two countries. I know that, until very recently, the United Kingdom had no love for us. I know that Canada was treated as a dependency as long as she was of commercial value; that she was told to "break the bonds and go" when her commercial value ended; and that only since she has appeared to be willing to furnish trade profits, and able to supply military assistance, has effusive affection been lavished upon her. And I know too well the patronizing disdain with which colonials were regarded but a few years ago. Relation of my own experiences might be thought to be tinged with prejudice, and I prefer to quote the testimony of Sir Edmund Walker—

"Canadians had the feeling very strongly that they were of the imperial race. The average Englishman regarded Canadians as something less, a cross between English and something foreign, not a thorough Briton . . That was why the Canadian boast of loyalty was so often met in England with cynicism"(*a*).

Now we are splendid fellows. British imperialists open their houses to all of us, and one "happily inspired patriot" has rented a

"famous Thames-side mansion for the specific purpose of making it a week-end Liberty-Hall, a place of entertainment for many hundreds of our Overseas British guests and kinsfolk during the Coronation season . . . No amount of reading, or of legislating, or of speech-making, can draw a Canadian, an Australian, a South African, and an Englishman so closely together as, for example, a shared supper after a shared evening on the river in a punt, at the end of a day which they, and their womenkind, have spent in the shelter of one British home" (*b*).

The sight of trade profits and war profits has worked an extraordinary change in twenty-five years. Half-bred colonials are now "Overseas British guests and kinsfolk." It is the turn of Canadians to smile.

It is a huge mistake to speak of the United Kingdom as our mother-land, and to indulge the sentimentality which the use of the adjective evokes. On some fast-approaching day Canada will separate not from a mother, but from an owner who has always used her for his own selfish purposes. I do not blame the United Kingdom. I merely state the fact. Other owners treated their colonies (on the whole) with still less generosity. I confess, nevertheless, to a little of the sentiment of my friend. I inherited it, and, probably, it will always actuate me. But it is overwhelmed by the thought of Canada claiming world-recognition as a nation, by the thought of the termination of her mean colonialism.

Does some one say that I am prejudiced, and that my language is strained? Very well, substitute the picture painted by Mr. Chamberlain:—

"It seems to me that there are three distinct stages in our imperial history. We began to be, and we ultimately became, a great imperial Power in the eighteenth century, but, during the greater part of the time, the colonies were regarded, not only by us but by every European Power that possessed them, *as possessions valuable in proportion to the pecuniary advantage which they brought to the mother country*, which, under that order of ideas, was not truly a mother at all, but appeared rather in the light of *a grasping and absentee landlord desiring*

(*a*) *Globe*, 29th April, 1904.
(*b*) *The Standard of Empire*, 12th May, 1911.

to take from the tenants the utmost rents he could exact. The colonies were valued and maintained because it was thought that they would be a source of profit—of direct profit—to the mother-country" (*a*).

In the first period, therefore, British imperialism was based upon profit. In the second period, there was little profit and little imperialism. Now there is superabundance of frenzied imperialism. Why?

LUNACY.

A Toronto imperialistic friend, whose eloquent tongue sometimes leads him into exaggeration, is good enough to say that no one outside a lunatic asylum would advocate independence. He argues that independence would be impossible except under the protection of the United States; and he declares that he would prefer annexation to independence.

With great regret, but with the most perfect conviction, I point to that class of man as Canada's greatest—Canada's only danger. If these men can convince Canadians that there is no choice except between colonialism and annexation, I am perfectly certain what the verdict will be. Men inside the asylums may, and ought to be satisfied with dependence upon others. Those outside (if rightly outside) will most certainly insist upon something better. Annexation to the United States, hateful as is the thought, would be infinitely preferable to a perpetuity of despicable colonialism. For while most of the older living Canadians would chafe and fret under it, their children and grandchildren would have a country, and be able to hold up their heads.

My friend thinks that what we need is

"a great regenerating baptism of devotion to the Empire and the imperial spirit."

What that means I do not know: "Devotion to the British Empire!"—to what Lord Milner speaks of as "an unfortunate misnomer"? to what Mr. R. L. Borden says is "in some respects a mere disorganization" ? to something of which Canada is not a part? "Devotion to the imperial spirit!"—to the spirit which would keep us hunting for the unattainable—for the forsaken imperial federation; for the abandoned imperial council; for something undiscernible and unimaginable; for, indeed, something that we should not recognize

(*a*) *Foreign and Colonial Speeches*, p. 242

if we saw it—a union and yet not a union. From such a distracted and bewildered spirit, may heaven save us.

I venture to suggest that there is no use trying to arouse devotion to something that nobody can imagine or form any idea of—that there is no use in having a christening until you have something to christen. Very metaphorically and poetically (perhaps) you may baptize a sentiment—even a devotion, but somebody must undertake to formulate (even if it be very roughly) some notion about the devotion, before it can be conveyed to the ceremony. What—precisely and in plain prose— is it that we are to become enthusiastic about, and take to church for religious consecration?

It may be that, with reference to the mysteries of religion, one must not be too exacting in requests for definition and accuracy, but may we not ask advocates of imperialism to tell us, more or less clearly, what it is that they are trying to get us to do. If they reply "imperial unity," I ask again, What do they mean? Imperialists agree that

"the colonial status is a worn-out, by-gone thing"

and they propose devotion to something else—a passionate, vehement, religious devotion to something else. To what? They have never told us. They do not know. And I venture to suggest to them that they will never make a success of their proposal to give to their devotion a really rousing, regenerating baptism until they have a devotion to baptize.

Ottawa, June, 1911.

JOHN S. EWART.

EFFECTS OF THE CONFERENCES.

HIS EXCELLENCY LORD GREY.

(In order to draw attention to the purpose for which quotations are employed, italics not appearing in the original are sometimes made use of.)

THE conferences owe their existence to the Imperial Federation League, and a not unimportant effect of the conferences is the termination of the existence of the League. A more important effect is the demonstration which the conferences have supplied of the impracticability of the League's purpose. And the most valuable effect is the distinct and rapid advance towards declared independence which the successive conferences have not only produced but have made vivid and impressive. The League and Mr. Chamberlain—the one by instituting the conferences, and the other by strenuous endeavor to use them for the purpose for which they were instituted—have been the principal instruments in the very remarkable development in recent years of Canadian nationality. Sir Wilfrid could have done little in that direction but for the necessity imposed upon him of defence against attack and of reply to challenge. With perfect patience and courtesy, but with the most indomitable courage and unfailing tact he has repulsed every assault upon Canadian autonomy; has by every successive victory added to the strength of our growing independence; and has evoked a Canadian sentiment that will soon find its full satisfaction in Canadian nationhood.

Prior to the conferences, the political progress of Canada was episodical. At varying intervals, points of dispute arose between our governors and our legislative assemblies. Some of these were soon settled, others remained in quarrel for years — soon settled, if the governor gave way quickly, and long lived, if he did not.

The records of these quarrels may be searched in vain (I believe) for any discussion of the fundamentals of the colonial relationship. The debate was always confined to the point in hand, and its settlement settled nothing else. Nowhere do we find the assemblies urging that they were on the way to independence and that the time had arrived for another step in advance. On the contrary, suggestion of ulterior purpose was always met by flat denial. The advance nevertheless was made, and there was never retreat.

Progress was dependent, therefore, upon the recurrence of episodes. Prior to Lord Elgin's governorship and, in greater degree, prior to Lord Sydenham's, the episodes were sufficiently plentiful for the supply of what would now be called a "continuous performance." But after these dates progress was slow, and only at considerable intervals did points involving political relationship arise.

The conferences changed all that. Not only did they provide an opportunity for the discussion of abstract questions, but they made such discussion inevitable. As an aid to the rapid completion of our political evolution, nothing could possibly have been better devised than the conferences. Points that might have remained unmooted, or at least unadjusted, for many decades, were then precipitated for immediate discussion and settlement. Will the colonies do this? Will the colonies do that? Shall there be an endeavor after closer political relationship? Shall we have an imperial council? Shall there be one navy or many? What is to be the situation in case of war? We should have waited long for settlement of these questions but for the conferences. They are now all answered, and every answer has furnished Mr. Chamberlain with a regret.

The results might well have been foreseen. If England had originally adopted the French idea of *assimilation* as applied to colonies, North American history would, undoubtedly, have been very different from what it is. She took the other view. These colonies she said are ours; they are not part of us; we are entitled to exploit them and regulate them. And after thirteen of the colonies had made successful military revolt against the idea, and after the Canadian colonies had effaced it by successful civil resistance, it would surely have been absurd to expect that Canada could have been induced, by the most skillfully arranged devices, to surrender any part of the legislative freedom which with such difficulty she had won. Speaking generally, every quarrel between American or Canadian legislative assemblies and their governors has been settled by the eventual victory of the representatives of the people. For the assemblies were always working towards legislative independence, and they have achieved it. The governors were always thwarting that progress,

and their defeat has been overwhelming. When, therefore, discussion of all outstanding questions was precipitated by the conferences, there could have been little doubt that settlement of them would be accomplished upon the old familiar line of colonial self-government. That Mr. Chamberlain could have imagined otherwise, and that by his strenuous advocacy of imperialism he has most materially advanced Canadian nationalism, will always be considered to be one of the most striking examples of the apparently insuperable difficulty which British statesmen experience in their efforts to understand colonial opinion and ambition.

Let us return to The Imperial Federation League. Not having the slightest idea in the world as to how federation was to be accomplished, and even regarding as obstructors and cavillers those who imagined that any plan of federation could be devised (ante. p. 83), the League appeared to cherish the notion that people at a meeting might be able to discover that which was hidden from all of them individually. Accordingly, it sent a deputation to Lord Salisbury (1886) to ask that a conference might be called. The request was granted, but much to the disappointment of the League all discussion of federation was excluded as impracticable (*a*).

The conference was held, but naturally the League was not satisfied, and, in 1891, it again approached Lord Salisbury, asking:

> "that the Government should convoke... a conference...to consider the question of securing to them (the colonies) a real and effective share in the privleges and responsibilities of the Empire" (*b*).

Lord Salisbury's reply was a request for some sort of a scheme to submit to the proposed conference. Never having had such a thing, the League set about trying to produce a presentable plan, worked hard at it for over a year, and finally not only gave up the attempt but, in sorrowful despair, committed suicide (1893).

Some of its more hopeful members reconstituted themselves as *The Imperial Federation* (*Defence*) *Committee*, with emphasis on *Defence*, and carried on a propaganda until last year, when (after an enlightening visit to Canada by their Secretary) the name was changed to *The Imperial Co-operative League*. In the report of his tour of investigation in the Dominion of Canada, the Secretary said:—

> "that in any scheme of representation that may ultimately be evolved, full recognition must be given by the United Kingdom to *the growing feeling of Canadian nationality.*"

(*a*) Colonial Secretary to Governor General, 25 Nov., 1885.
(*b*) *The Kingdom of Canada* (Ewart) p. 161.

He "found no enthusiasm for the establishment of an imperial council."

And the imperial federation idea he disposed of in the following words:—

"There is no doubt a strong feeling exists that only the really satisfactory form of representation will be in a truly imperial parliament, dealing only with imperial affairs, and *having full powers of taxation*. But it is recognized that this would involve great constitutional questions in the United Kingdom, with a necessary separation of local from imperial politics; and that though this is no doubt an ultimate ideal, *people in the old country* are not prepared for such a constitutional change at present."

I am well assured that I speak the mind of almost every Canadian when I say that a parliament sitting in London, with Canadians in a small minority, and having over Canadians "full powers of taxation" would not only be "really satisfactory" but could be established only after war had left us without another man to resist it. In a subsequent report there was the following:—

"It is felt that the new name of the League will be more in harmony with the feelings of those in the Dominions oversea."

That is undoubtedly true and I congratulate the League and its able Secretary upon their insight and their courage. Co-operation is undoubtedly the line along which the work of the League should proceed, and it will find that as Canadians cease to have cause for apprehensions as to their political autonomy, and as they cease to be maligned because they advocate it, they will be able more and more unreservedly to reciprocate the sentiments of the League and to respond to any reasonable appeal for co-operation.

It is to the conferences in very large measure that we are indebted for this very formal, and most significant, and welcome abandonment of federal proposals. It is fairly certain that if the meetings had not been instituted, many people would still be federationists and would be blaming men of my way of thinking for impeding the "unification of the Empire". The conferences have ended, for ever, all such notions; and the result has been achieved, not by arguments (those existed and were well known prior to the birth of the League in 1884), but (1) partly by the spectacle of one conference succeeding the other, without anybody being able to draft a federation proposal, and without anybody being willing to take the responsibility of even introducing the subject for discussion; (2) partly by the fact that the most conspicuous feature of the conferences has been the jealous care with which the colonies (Canada particularly)

have guarded their political independence; and (3) principally by the fact that the conferences, so far from supplying encouragement for federationists, have contributed very largely to the accomplishment of complete colonial independence. The conferences were instituted for the purpose of forging new political bonds. They have most materially assisted in the disappearance of those which existed.

Let us understand one another. When I speak of political bonds, I mean points of constitutional, of legal contact. At present the British parliament legislates for the United Kingdom, and the Canadian parliament legislates for Canada We have no representation in the British parliament; Britishers have no representation in ours; and there is no parliament which controls both of us. We are, practically, for legislative purposes, two separate and independent kingdoms. Our only political relation is the fact that we both have the same Sovereign.

Federationists had hoped to change that relationship. They proposed to give each of us a share in the law-making power over the other. They proposed that the United Kingdom and the self-governing colonies should unite, politically, as a federation—that is to say, that each country should cease to legislate with reference to certain subjects and that a federal parliament (to which we should all send representatives) should be constituted for the purpose of dealing with those subjects. They wanted to reduce the British, Canadian, Australian and other parliaments to local legislatures, and to erect a federal parliament at London to make laws binding upon all of us. It was a wildly foolish notion. The conferences have put an end to it.

Do not confuse federation with co-operation—the newly-declared object of the League. So far from being the same thing, or even like one another, the one excludes the other; for a federation is a political unit which operates under a single constitution, whereas for co-operation there must, of course, be at least two independent states, each acting under its own constitution. When, therefore, I say that the conferences have ended all notions of federation, I by no means suggest that they have put an end to ideas of co-operation. On the contrary, by emphasizing and bringing more clearly into view the fact that the Associated Kingdoms are really separate and independent entities (1) the conferences have shown us that our relations are adapted to co-operation, and (2) the conferences have been led to take some important steps toward co-operation.

Understanding now, it is hoped, what is meant by the assertions which have been made with reference to the effect of the conferences

upon the political relations between the United Kingdom and Canada, let me point out, under the following headings, in what ways the conferences have contributed to the advancement of colonial independence:—

1. By recognition of equal *status* at the conferences.
2. By rejection of all proposals for closer political relations.
3. By recognition of almost complete legislative independence.
4. By recognition of rights with respect to treaties.
5. By recognition of the right to establish separate navies, sailing under separate flags.
6. By recognition of the right to decline co-operation in war.

Recognition of Equality of Status.

The earlier conferences were meetings of representatives from the colonies with the Chief of the Department which was supposed to regulate them—the Colonial Secretary. Nobody would have thought of suggesting any other sort of meetings, and quite naturally the name given to them was "Colonial Conferences". The various governments had never, theretofore, met as negotiating governments —always the Colonial Secretary had listened to, or conferred with his colonies. Equality of status as between the United Kingdom and the self-governing colonies had never even been hinted at. Had the conferences not met, the fact that the colonies were no longer colonies but equal sovereignties would probably, for many more years, have remained unrecognized and unacknowledged. Repeated meetings, however, have compelled the ascertainment and definition of the true relation of the conferring parties, and the fiction of colonial subordination has necessarily disappeared before the continuous display of indisputable equality.

In 1905, the Colonial Secretary (Mr. Lyttelton, the successor in office and effort of Mr. Chamberlain) endeavored, in preliminary correspondence, to give to the then approaching conference an imperialistic cast by assigning to it the title *Imperial Council*. Everybody agreed in the change from *Colonial* to *Imperial*, but the only result of the attempt to turn the conferences into a council was the passage, at the conference (1907) of a resolution which changed meetings between the Colonial Secretary and his colonies into meetings of governments. It was as follows:—

"That it will be to the advantage of the Empire if a Conference, to be called the Imperial Conference, is held every four years, at which questions of common interest may be discussed and considered *as between His Majesty's Government and His Governments of the self-governing Dominions beyond the seas.*"

Completely to establish perfect equality, one further change only was necessary, namely that the United Kingdom should be represented by its Prime Minister and not by the Colonial Secretary—that is to say, that all suggestions of superior and inferior should disappear, and that all the kingdoms should be represented in the same way. The above resolution, therefore, continued as follows:—

"The Prime Minister of the United Kingdom will be *ex-officio* President, and the Prime Minister of the self-governing Dominions *ex-offico* members of the conference."

The conferences, therefore, have effected a most marked and most important advance in colonial political evolution by recognition of the great fact that the relation of the Associated Kingdoms is not that of metropolitan and colonies but a relation of sovereignties. Whereas, previously, communication was always between the Colonial Secretary and the Governor General, now matters of general importance are discussed on a footing of equality by all the Prime Ministers; and the Colonial Office which formerly was our master, is now little more than the secretariat of conferences at which our Prime Minister takes a leading part in assigning to it its work. The positions have been reversed. It is an extraordinary change.

II.—*Rejection of Proposals for Closer Political Relations.*

Recognizing the impossibility of framing federation proposals, but declaring that "federation is in the air", Mr. Chamberlain proposed for the consideration of the conference of 1897, the establishment of "a great Council of the Empire," saying that

"it is perfectly evident that it might develop into something still greater."

Mr. Chamberlain wanted to grow a federation if he could not make one. The colonies on the other hand wanted nothing of the sort, and they disposed of the proposal by passing the following resolution:—

"The Prime Ministers. . . are of the opinion that the present political relations between the United Kingdom and the self-governing colonies are generally satisfactory, under the existing conditions of things" (*a*).

(*a*) Unanimous but for the dissent of New Zealand and Tasmania.

At the conference of 1902, Mr. Chamberlain (still Colonial Secretary) again proposed his council, but only to meet with more marked rebuff—silence.

Mr. Lyttelton (Mr. Chamberlain's successor) tried (in 1905) to make the semblance of a move towards federation by proposing (as already has been said) that, at all events, the conference should be *called* a council. Canada replied with the specific declaration that she would not assent to that which

> "might eventually come to be regarded as an encroachment upon the full measure of autonomous legislative and administrative power now enjoyed by the self-governing colonies."

And when the next conference met (1907), not only did all the Premiers agree with the Canadian view, but the new Colonial Secretary (Lord Elgin) himself concurred in it.

At the recent conference some sort of a scheme with a political union aspect was presented by Sir Joseph Ward of New Zealand. I do not say whether or not it was a federation scheme, nor do I venture to suggest any other adjective as properly descriptive of it. I refrain because Sir Joseph himself had no clear idea of what he wanted. The resolution which he moved was as follows:—

> "That the Empire has now reached a stage of imperial developement which renders it expedient that there should be an Imperial Council of State, with representatives from all the constituent parts of the Empire, whether self-governing or not, in theory and in fact advisory to the Imperial Government on all questions affecting the interests of His Majesty's Dominions oversea."

The speech in which Sir Joseph moved this resolution had, however, no relation to the proposal. He said that he wished to call his creation "an Imperial Parliament of Defence" (something entirely different from a council advisory to the imperial government) and he proposed that there should be transferred to the parliament

> "those matters common to the whole empire—that is all those in which every part of it is alike interested" (*a*).

Sir Joseph finding difficulty in explaining himself, Mr. Asquith suggested:—

> "It is to have exclusive control over the empire, as a whole, in all questions involving peace and war?"

(*a*) *Proceedings*, p. 58.

To which Sir Joseph replied:—

"That is so, with England reigning supreme upon it".

Mr. Asquith again interjected:—

"The new body is to have the exclusive power of treaties of foreign relations too?"

And Sir Joseph answered:—

"(1) Peace and war treaties and foreign relations generally. (2) Imperial defence and the providing of the revenues for the foregoing purposes, and for the general support of this imperial proposal."

Sir Joseph admitted that as an outcome of his suggestion:—

"necessary that there would be a tremendous change made in the old country in connection with the present imperial parliament."

and he thought that his new imperial parliament of defence would step into the shoes of the present imperial parliament; but he seemed to be quite indifferent as to whether the new body was to be known as an advisory council or an imperial parliament. Confusion could, of course, be no further confounded, and at the end of the debate, Mr. Batchelor (of Australia) very truly said:

"This resolution which you have here has not been discussed at all; it is quite a different proposition. . .That was an Advisory Council on all questions —as against an Imperial Parliament of Defence; so that we are really, in rejecting this resolution, rejecting wholly without discussion" (*a*).

Rather than that it should be unanimously rejected, Sir Joseph withdrew his proposal. It and his speech form a good example of the extremely crude notions which many people have of constitutional relations. Ask one of these men to put his suggestion on paper, and either he will decline or he will produce something which will not stand an hour's discussion. I say so somewhat confidently, because, from the birth of the Imperial Federation League down to the present time nothing else has ever been done.

Review of the effect of the conferences upon political relations would be incomplete without mention of the fact that scattered through their proceedings (in places too numerous for mention) are to be found the clearest assertions and admissions of the practical

(*a*) *Proceedings*, p. 74.

independence of what are called the self-governing Dominions. Two quotations, alone, must suffice. In 1907, the British Premier (Sir Henry Campbell-Bannerman) said:—

"We found ourselves, gentlemen, upon freedom and independence—that is the essence of the imperial connection. Freedom of action on the part of the individual states, freedom in their relations with one another and with the mother country."

And the Colonial Secretary (Lord Elgin—a worthy descendant of Canada's Governor of 1847-54) said that he concurred

"in the principle which the Prime Minister laid down, that is to say, the freedom and independence of the different governments which are part of the British Empire."

The following summary leaves no room for doubt as to the effect of the conferences upon the question of closer political relations between the United Kingdom and Canada. It may be stated in this way

1. Although the conferences were commenced as meetings between the Colonial Secretary and the representatives of colonies supposedly subordinate to him, they have become meetings, upon a footing of perfect equality between the governments of independent kingdoms.

2. Although the conferences were instituted (1887) at the request of the Imperial Federation League, the effect has been to convince the successor of that League, and everybody else, that federation is impracticable—that co-operation and not incorporation is all that can be accomplished.

3. Inasmuch as federation is undesirable, the establishment of a council which might develop into federation is also undesirable.

4. The colonies have definitely refused to assent to that which might encroach

"upon the full measure of autonomous legislative and administrative power now enjoyed."

by them; and the proposal for the formation of a council, made by one Colonial Secretary, has been condemned by his successor.

III.—*Recognition of Legislative Independence.*

In the earlier days the Colonial Office exercised close supervision over Canadian legislation, and as late as the year following the first of the conferences (1888) assent to a bill (*a*) was refused. Now "freedom and independence . . is the essence of the imperial connection." Further interference with Canadian legislation will almost certainly never be attempted. Its only effect would be to make imminent, if not immediate, our national birth-day.

Two qualifications must be attached to the assertion that the conferences have recognized our legislative independence. First with reference to shipping and second with reference to naturalization. It is said that we cannot make laws binding upon British ships in Canadian waters, and that we cannot so thoroughly naturalize a foreigner that he will carry his new nationality with him beyond our geographical limits. I do not agree with either of these contentions, but must, of course, admit their existence. At the last conference, Sir Wilfrid denied the validity of the first of them (*b*). I regret that he did not deal similarly with the second. The points involved are somewhat technical and not suitable for a discussion in these Papers. I shall probably send to one of our law journals a statement of my views.

IV.—*Recognition of rights with Respect to Treaties.*

After Sir John A. Macdonald had failed to arrange for reciprocal trade arrangements with the United States he determined to try his hand with the United Kingdom. Two treaties, however—the German and the Belgian—interfered with his freedom of action. They had been made without our assent and by men who, as Lord Salisbury afterwards said, had not "any notion that they were signing pledges at all" (*c*). How we got rid of them is told in my book, *The Kingdom of Canada* (pp. 258-268). Canadian protests and petitions had been met with blank refusal, but the unanimous resolution of the premiers at the conference of 1897 was another matter, and Mr. Chamberlain gave way.

Our recent reciprocal arrangements with France and other countries have brought to light fifteen other treaties from which we must be freed if we are to be able to operate freely. The difficulty, of course, is that release can be obtained only by agreement with the

(*a*) The Copyright Bill.
(*b*) *Proceedings*, p. 406.
(*c*) *The Kingdom of Canada*, p. 258.

other states, or by denunciation of the treaties—that is by terminating them altogether (*a*). Naturally the United Kingdom does not wish to take the latter course; but she recognizes Canada's embarrassment and the reasonableness of her desire to be free. Accordingly at the last conference a resolution, moved by Sir Wilfrid requesting that negotiations should be opened

"with a view of securing liberty for any of those Dominions. . . to withdraw from the operation of the treaty without impairing the treaty in respect of the rest of the Empire" (*b*),

was accepted by the British Government and the negotiations are now proceeding.

It is almost certain that without the conferences we should still be bound by the German and Belgian treaties, and that we should not, as yet, have even thought of attacking the other fifteen.

V.—*Recognition of the Right to Establish Separate Navies.*

At the conference of 1902, the War Office presented a memorandum in which was the following:—

"Prior to the outbreak of the war in South Africa, so far as any general scheme for the defence of the Empire as a whole had been considered, it was assumed that the military responsibility of our great self-governing colonies were limited to local defence, and that the entire burden of furnishing reinforcements to any portion of the Empire against which an hostile attack in force might be directed must fall on the regular army."

That was a most reasonable understanding. The colonies were never consulted as to the making of war, and they, therefore, did all that could be expected of them if, without grumbling, they defended themselves from attacks due to a policy over which they had no control. Canada had done that twice. She made no remonstrances, although the wars were very foolish. At the conferences Lord Salisbury, and more noticeably Mr. Chamberlain, tried to change the war-relation, and to turn the colonies into British bases of supply. Effort after effort was made. The result has been as we shall see.

Yielding to the request of the Imperial Federation League for the summoning of the first conference, and declaring that commercial union was impracticable, Lord Salisbury added:—

(*a*) One of them was made by Cromwell and another by Charles II.
(*b*) *Proceedings*, pp. 333-9.

"I will pass that by, and merely point your attention to the Kriegsverein, which I believe is the real and most important business upon which you will be engaged, that is to say, the union for the purposes of mutual defence."

By "union", however, Lord Salisbury meant united subscription to the British navy, and that form of union was pressed upon the colonies with such success that the conference of 1902 saw every one of them handing over their annual cheques—every one but one, Canada never faltered. She had to take abuse, but she pursued unswervingly her traditional policy of self-government, and after 20 years (1887-1907) had the splendid satisfaction of seeing, not only every colony (except New Zealand), but the Admiralty itself and the British Government recognize that her policy was the right one.

Canada and Australia have commenced their naval history, and their ships fly their own flags. They carry, as agreed at the conference of 1911, at the stern

"the white ensign as the symbol of the authority of the Crown"

(not the authority of the Admiralty, but the authority of the King, the King of Canada),

"and at the jack-staff, the distinctive flag of the Dominion."

The conference moreover declared that

"The naval services and forces of the Dominions of Canada and Australia will be EXCLUSIVELY under the control of their respective governments" (*a*).

Very many years would, most certainly, have elapsed before Canada or Australia, without the aid of the conferences, could have obtained such an admission from the Admiralty. Canada has now (in the making, principally) her own navy, carrying her own flag, and subject to her own orders. Well done Sir Wilfrid and Mr. Brodeur! That is one of the best things that Canadian statesmanship has ever accomplished. Its far-reaching importance is not yet generally understood.

VI.—*Recognition of the Right to Decline Co-operation in War.*

There being (as already mentioned) no arrangement for co-operation in case of war, Mr. Chamberlain in 1902 tried to make one. Through the Colonial Defence Committee he asked the colonies

(*a*) Cd. 5746-2, p. 1.

"to give some assurance as to the strength of the contingents which they should be able to place at the disposal of His Majesty's Government for extra-colonial service in a war with a European power."

Canada and Australia replied that "when the need arose" they would determine "how and to what extent it would render assistance." No such request has ever since been repeated; indeed the perfect freedom of the colonies to participate or not, as they please has, impliedly but sufficiently, been admitted. The declaration of the conference as to the colonial navies being "exclusively" under colonial control makes that matter pretty clear.

Sir Wilfrid has always spoken with unmistakable precision upon this point. Just before leaving to attend the 1902 conference, he said, in the House of Commons:—

"It would be the most suicidal policy that could be devised for Canada to enter into that vortex in which the nations of Europe—England included—are engaged at the present time."

At Montreal (10 October, 1910) he said:—

"Does it follow that because we are exposed to attack we are going to take part in all the wars of the Empire? No. We shall take part if we think proper. . .

The most important of Sir Wilfrid's declarations was made at the recent conference. Sir Joseph Ward had proposed a resolution regretting that the colonies had not been consulted by the British Government with reference to the Declaration of London. During the debate Sir Wilfrid said:

"We may give advice if our advice is sought; but if your advice is sought, or if you tender it, I do not think that the United Kingdom can undertake to carry out that advice unless you are prepared to back that advice with all your strength, and take part in the war and insist upon having the rules carried out according to the manner in which you think the war should be carried out. *We have taken the position in Canada that we do not think that we are bound to take part in every war*, and that our fleet may not be called upon in all cases, and, therefore, for my part, I think it is better under such circumstances to leave the negotiations of these regulations as to the way in which the war is carried on to the chief partner of the family, the one who has to bear the burden in part on some occasions and the whole burden on perhaps other occasions" (*a*).

Shortly afterwards Mr. Asquith was asked in the House of Commons whether he had taken note of Sir Wilfrid's statement, and

(*a*) *Proceedings*, p. 117.

"whether this doctrine was held by any of the other Dominions; whether it was accepted by the British Government" etc.

Mr Asquith replied, in parts, as follows:—

"The matters referred to are too grave and delicate to be dealt with by way of question and answer" (*a*).

On another occasion Sir Edward Grey made a more illuminating reply. He was asked, with reference to the recent renewal of the Japanese treaty

"whether the Japanese Government were informed as to what course of action would be pursued by the Dominions should Great Britain be involved in war under article two of the treaty."

The reply, in part, was

"The action to be taken by the Dominions in any war in which His Majesty's Government may be engaged is a matter to be considered by His Majesty's Government in consultation with the Dominions, and is not one for discussion with any foreign government" (*b*).

That statement, taken in conjunction with the fact that Sir Wilfrid's declaration of Canadian attitude at the conference had passed unchallenged, satisfactorily establishes two points: (1) that Canadian participation in British wars is a matter not of settled necessity but one for consideration between the two governments, and (2) Canada is not pledged by the treaty with Japan to join in rendering the military support which the United Kingdom has promised on her own behalf. It would be too absurd that the United Kingdom should expect us to join not only in wars which she herself might undertake, but in wars in which Japan chose to engage.

Not the least of the benefits which the conferences have brought to Canada's sister colonies is the opportunity which it has afforded their men of meeting Sir Wilfrid and learning of him. His repeated insistence upon the principle of colonial self-government, his refusal to depart a hair's breadth from that principle, and his declaration that it applies as well to war as to every other department of government, have made profound impressions upon the other colonies. According to Mr. Skead, the Premier of Australia (Mr. Fisher) has recently expressed himself more strongly than Sir Wilfrid himself, and the Premier, although denying the accuracy of Mr. Skead's report, has said:—

(*a*) *Times*, 28 July, 1911.
(*b*) *Times*, 21 July, 1911.

"While the war is on, we shall defend ourselves, but whether we shall be drawn into it, in the way of granting direct help, will be a matter to be settled by parliament" (*a*).

In South Africa the *Volksstem* (*b*), quoting from Sir Wilfrid, has adopted the same attitude, and General Hertzog (the Minister of Justice) seems to have said:—

"We do not participate in its (Europe's) intrigues and are not concerned in its ambitions" (*c*).

The London *Times* understands that

"The parliaments of Canada and Australia have decided that these navies should be placed under the British Admiralty in time of war, only if they so decided" (*d*).

A word of caution to the reader must be added. Please distinguish between what Canada *may* or *will* do, and what Canada *must* do. I have said nothing here, or elsewhere, as to what Canada will do, and have offered no advice upon that point. I have been endeavoring to make as clear as I can our constitutional position. All that I have said has been directed to the question of our legislative and administrative authority, and not for the purpose of supplying answers to questions with reference to the use which we shall make of our authority under hypothetical circumstances. We have the *power*, and the *right* to do as we wish—that is all that I urge.

Other Work of the Conferences.

Besides dealing, as above indicated, with questions of first class importance touching the political and war relations between the Associated Kingdoms, the conferences have adopted various resolutions of minor and even minus value. Most of them relate to subjects of international rather than purely inter-kingdom interest, e.g., copyright, trade-marks, enforcement of judgments, etc. And indeed so much was that the case, and so largely did discussion of them engross the time of the conferences that the Australian Premier, Mr. Fisher, is reported to have said:—

(*a*) London *Chronicle*, 14 Aug. 1911.
(*b*) The *Volksstem* is believed to enjoy very close relations with the Union Ministry. London *Times*, 19 July, 1911. See also issues of 15, 17, 19, 22 July.
(*c*) London *Sunday Times*, 23 July, 1911.
(*d*) Issue of 29 July, 1911.

"So successful has been the conference and so broadened has its outlook become, that I see no insuperable difficulty in the way of further extending its purview, so that it may be developed into an international conference."

And a London newspaper (*a*) has asked:—

"Why should not the next conference include the President of the United States?"

Other conferences will no doubt be held. They will continue to be meetings between governments and governments upon a footing of absolute equality. Their trend is now perfectly clear. At first all the colonies, except Canada, went wrong upon the navy question, but that has now been settled in the most satisfactory way. No mistake has been made as to federation, or a council, or any other entangling device. Even the word *council* has been specifically rejected as the title of the meetings. Political relations may again come under discussion, but with a view not to the forging of new political bonds, but to the completion of the national evolution of the colonies, which cannot now be long delayed. The conferences have brought us to the very verge of declared independence, for they have procured for us the acknowledgment of our equality of status with the United Kingdom itself; they have forever dissipated the notion of imperial federation; they have recognized our almost complete legislative independence; they have obtained for us release from some entangling commercial treaties, and have recognized our right to be free from the others; they have acknowledged our right to establish a separate navy under our own flag; and they have recognized our right to abstain from co-operation in British wars. The conferences have become to Canada what the Congress was to the revolting American colonies—a swift developer of colonial independence, and they are already receiving some of the condemnation which was so abundantly lavished upon their prototype. The methods are different, the temper is very different, the end promises to be the same—the same so far as independence is concerned, but different in that in our case there will be no rupture of our allegiance to our King. We shall retain not only warm sympathy with our former rulers, but close political associations with them through devotion to the same sovereign.

(*a*) *Lloyd's Weekly News*, 4 June, 1911.

HIS EXCELLENCY LORD GREY.

Perhaps the most satisfactory feature of Canada's very rapid progress towards independence is the fact that the great majority of those who still regard themselves as staunch imperialists not only contentedly accept the advances which from time to time are made, but that they themselves are learning to use, with apparent pleasure, the language of nationalism. When, as in earlier days, progress was slow, every advance was fought and every success was deplored. Now, thanks to the conferences, improvements come so frequently that they have almost ceased to attract attention; and imperialists, almost if not quite unconscious of abandonment of previous attitudes, are taking on the national spirit and are repeating nationalistic phrases.

Nothing could have been more noteworthy in this respect than the speech of Lord Grey at the banquet recently tendered to him by the Canadian Club of Ottawa. His Excellency is, as we all know, a devoted imperialist, but his speech was such that, in the middle of it, an assertion of his imperialism was quite appropriate, if not absolutely necessary. A few years ago such an assertion would have been regarded as not quite consistent with such a speech; but now that imperialism has ceased to be imperialism, and has become by the abandonment of federal notions, little more than a desire (in which many nationalists join) for co-operation between the Associated Kingdoms, nationalistic language is easily accepted and indeed loudly acclaimed—if it comes from a staunch imperialist.

Most of us are too busy with our own private affairs to note the rapidity of Canada's political progress, and few have sufficiently clear recollection of past events to be able to compare our position now with that of a few years ago. Even some of those men who undertake to discuss the subject know little about it, and they are therefore apt to fall into very absurd statements—for example the assertion of a recent writer in the Canadian Magazine (*a*) who said:—

"It is doubtful even if a single one of the old ties which existed, say, half a century ago is yet broken, except possibly, that Canada's independent right to make her own customs law (*b*) is now fully admitted."

(*a*) Aug. 1907, p. 297.
(*b*) That was a bad shot. Our right to make our owu custom laws was substantially secured more than 60 years ago.

What a very different picture is presented to us by Lord Grey?

"When I came (he said) to this country" (not fifty but only seven years ago) "Canada was still in her colonial clothes."

And now what?

"To me the withdrawal of the imperial garrisons from your Canadian seaports was a proclamation to the world that a *new national spirit had been born in Canada*...."

"I have rejoiced as an Englishman over the material developments of Canada, and over *her emergence from the status of a daughter to that of a sistsr nation in the empire*" (*a*).

Acting upon this conception, Lord Grey told us that he never used the terms *colony* or *colonials*, as applicable to Canada or Canadians; and that he always speaks of the Canadian government not as "my ministers" but as "His Majesty's Canadian ministers."

That is all extremely satisfactory. It indicates a most extraordinary advance upon a few years ago, not merely as a matter of fact, but in the appreciation and acceptance of the fact by such an imperialist as Lord Grey, and in the almost official recognition of it by his Majesty's representative. And may I not most respectfully ask whether if it be really the truth that Canada has ceased to be a colony; if she has really emerged from the status of daughter-nation and become a sister-nation; and if the Governor-General of Canada has publicly recognised and declared those facts, is there any impropriety in a nationalist or anybody else saying precisely the same thing?

In another part of his speech, Lord Grey described our position as that of "a dependent independency", using the adjective, he says, because

"You are dependent for your security on the supremacy of the British navy."

The two derivatives of the same word (*dependent* and *independency*) are here used with different meanings. Lord Grey did not mean to say that an independent state could, by any possibility, be anything, politically, but an independent state. He meant, no doubt, that Canada is politically an independency, but for her security she relies or depends upon the British navy. Just as the United Kingdom is an independency, but relies or depends upon foreign countries for her food supply; and just as (if we accept Lord Grey's suggestion) the United States is an independency but depends upon the British navy for support of the Monroe doctrine. If it be true that Canada depends for her security upon the British navy, her case is far from

(*a*) In some of the newspaper reports of the speech, the word *assistant* appeared between the word "sister" and "nation." I am informed that the word was not used by Lord Grey.

singular, and her political status is not thereby affected. Holland is an independency, although her integrity is guaranteed and secured by agreement of the principal European powers. France is very clearly dependent upon the United Kingdom and Russia; Germany is dependent upon Austria and Italy; the United Kingdom is dependent upon Japan, and so on. Moreover, it is worth pointing out with reference to our alleged dependence upon the British navy, that the United Kingdom feels very much more dependent upon Canada than does Canada upon the United Kingdom. Almost our only war danger comes from the fact of our association with that country. Completely separated, we might go on for another hundred years without firing a shot. As we are, we may be at it next week. If Canada is a "dependent independency," so also, in much a more real sense, is the United Kingdom.

Lord Grey spoke of Canada not only as an independency (although a dependent one) but as a kingdom. He said:

> "In the imperialism of which I am a devotee, there is no question of interference by the parliament of one kingdom with the parliament of *another kingdom* or dominion within the empire."

Practically, no doubt, Canada is a kingdom, but officially she is styled a dominion, and I admire extremely the courage with which Lord Grey set aside mere convention, and gave to us the title as well as the status which we have earned and ought to be permitted to enjoy.

And now let me shortly sum up what Lord Grey has said: He appears to acknowledge equality of political status between the United Kingdom and Canada, for he rejoices at Canada's elevation from the daughter-nation to sister-nation. He has discarded the words "colony" and "colonials". He describes Canada as an "independency" relying for security upon the British navy. He regards Canada as a kingdom. And he refers to the Canadian government, not as "my ministers" (as in former days), but as "His Majesty's Canadian ministers".

I am extremely grateful to Lord Grey for this splendid Canadian speech. Perhaps no one in public life in Canada would have ventured to use such language, unless, perhaps, Sir Wilfrid Laurier, and I am not at all sure that part of that gentleman's present punishment cannot be traced to his proclamation of somewhat similar sentiments.

The extracts which I have given from Lord Grey's speech would be misleading if they were unaccompanied by another, in which His Excellency said that he

"could not conceive the possibility of any self-governing portion of the empire in its senses, ever thinking that there could be a nobler future and a greater destiny for it outside rather than inside the British Empire."

In this sentence Lord Grey fully justifies his claim to rank as an imperialist. A short time ago imperialists said *federation*, but declined to say what they meant by *federation*. In truth they meant nothing, and they deprecated any attempt at explanation. As the word disappears, I notice, with increasing frequency, the phrase "inside the empire." But what does that mean? Does it, indeed, mean anything? And if so would it be a sin to tell what its signification really is?

Canada was at one time part of the empire. She was ruled from Downing Street. She was a colony. She was a British possession. The Colonial Secretary sent out orders and we obeyed them—usually. Our governors selected their councils and arranged (as well as they could) for a majority in the assemblies in the good old British way. Yes, Canada was then a colony and a part of the Empire. But now she has ceased to be a colony. She is a kingdom. She is a sister-nation. She is an independency. (*a*). And is she, nevertheless, still part of the empire? And if so what is her place, and how shall we describe it?

The empire consists of two parts—the dominant and the subordinate, namely, the United Kingdom and the territories which the United Kingdom controls. Any place in the world that is not in one or other of those categories is not and cannot be part of the British Empire.

The United Kingdom is alone the dominant part of the British Empire. Her authority is exercised by the British Parliament. Canada has no representative in that parliament and no share in the government of the empire. She is not inside the empire, therefore, in respect of the dominant part of it. And she is not now a territory governed by the dominant part. How, then, can she be inside the empire?

Every organism must have some connection between its parts. Canada for example is a political organism. She has a certain structure, and every one of her parts has its relations and its functions. Similarly the British Empire has its known structure and relations—a host of places with more or less of local governing authority, and all of them united to the United Kingdom by submission to its power of control.

(*a*) I speak of course, as Lord Grey did, from a practical standpoint, and very generally

Now will anyone tell me what is the political connection between the United Kingdom and Canada? They have the same King? Yes, but of course, two kingdoms with the same king are two kingdoms, and not an empire or in the least like an empire.

What other political connection is there? Can you think of any? The United Kingdom does not legislate for us. She does not administer for us. She does not make treaties for us—either respecting trade or war. She has no control over our soldiers. Our own flag floats over our own navy. If Canada is a part of the political organism known as the British Empire, will some one be good enough to tell me what is the nature of the connection? Is it the Judical Committee of the Privy Council?—the fact that British judges decide our law-suits for us? But they do that only because, so far, we seem to want them to do it, and not because we are in any way subordinated to them. A short time ago the Dominion Parliament passed a statute cutting off all such appeals in criminal cases. If we are a part of the British Empire merely because we permit some of our civil cases to go across the Atlantic, would the Empire be dismembered if we ceased to give to corporations and other very wealthy suitors the privilege of unduly protracting litigation—if we require them to be satisfied with the same sort of justice that appears to be good enough for the rest of us, namely Canadian justice?

The imperial relation, then, between the United Kingdom and Canada has, practically, come to an end; and probably, in view of Lord Grey's other language, what he meant by "inside the empire" was not that he desired that an effort should be made to restore it, or rearrange it, but that Canada ought to ally herself and closely co-operate with the British Empire. That is an entirely different matter. It is not one of status but of policy, about which there is possibly not very much difference of opinion. It has no bearing upon the nature of our constitutional relation to the United Kingdom. It is perfectly consistent with completest independence.

Canada is not now and never again will be part of the British Empire. But that is no reason why Canada should not remain in close sympathy and co-operation with her British sister-kingdom. The principle, which, from the first, I have persistently advocated is "co-operation, not incorporation," and I am glad to observe that at the recent Imperial Conference, Mr. Harcourt (the Colonial Secretary) said that its "governing note" had been not "imperial concentration" but "imperial co-operation" (*a*).

I most heartily agree with Lord Grey's appreciation of

(*a*) Proceedings, p. 340.

"the British Empire as the most potent instrument ever conceived by man for diffusing the blessings of law and order, freedom and duty, service and mercy throughout the world."

It may be that the day has come when we are too big to be subordinate—nature does that for us whether we wish it or not, individually as well as nationally. It may be that our dignity and self-respect require that we should assume befitting charge and direction of every item of our own affairs. It may be that, in doing so, we shall encounter some of the problems that attend the commencement of all independent life. But we have promised to us, and in any case we should be sure that we should receive, the sympathy and encouragement of the people from whom most of us are descended, and for whose welfare very many of us would be willing to make sacrifice. Canada cannot fail. Those who know her best are those who have the least apprehension as to her perfect success.

Lord Grey has done much to cement the heart-union of the two countries. If in his earlier stages he kept us timid and apprehensive about his federation schemes, we at least never doubted the sincerity of his conviction that the path he proposed was the best for Canada. And if now, as appears probable, he has accepted the Canadian view that for the future the relation of the sister-kingdoms must be based not upon written constitutions and political parchments, but upon sympathy and good will, upon common ancestry and traditions, upon similarity of ideals and aims, he will be better able than when he came to us to take an important, not improbably a leading part, in the re-adjustment of the present anomalous and unsatisfactory relations between the Associated Kingdoms.

A man of great capacity, of splendid ideals, of untiring energy, of unfailing tact, and having at command unlimited opportunity for the exercise of his talents, Lord Grey has not completed, as he leaves Canada, the full tale of his achievements. We have in him a warm and powerful friend. He takes with him our respect, our esteem, and our affection.

JOHN S. EWART.

OTTAWA, October, 1911.

In February last, in the British House of Commons, Mr. Balfour said:

"the British Empire has reached a point of development now at which this country is simply *the first among equals*, so far as the great self-governing parts of the Kingdoms are concerned" (*Times*, 7 Feb. 1911).

NE TEMERE DECREE.

SOME IMPERIALISTS.

(In order to draw attention to the purpose for which quotations are employed, italics not appearing in the original are sometimes made use of.)

Everything that makes either for unity or discord among Canadians comes within the scope of the Kingdom Papers. I cannot hope, and I shall not endeavor to produce universal agreement. We have different mental organizations and shall always differ upon very many points. But whenever occasion seems to require it, I shall do what I can to enable English and French, and Protestant and Catholic, at least to understand one another a little better, and to sympathize with each other a little more.

It is with that purpose in view that I venture to submit a short (I hope a reasonably clear) statement with reference to the Ne Temere decree. And, may I ask that, during perusal of it, an effort may be made to discard the effects which have not unnaturally been produced by much that has been very foolishly said by persons who either knew little of that which they discussed, or cared little what complexion they put upon it.

Particularly may I ask, that persons whose opinions have been induced by the report of the committee appointed by the Synod of the Diocese of Toronto, will think it possible that they have been misled by that document—that they will afford me a fair opportunity of proving that for many of the statements of the report not the slightest justification can be offered; and that for the innuendoes of many of its disturbing headlines such as: "Are the Decrees of Rome to Rule in Canada?"; "The Dominion Supreme"; "Interference with this Supremacy"; "What Does Rome Now Claim?"; "Rome Can Destroy Matrimony"; "The Members of the

Protestant Reformed Religion Have Rights"; "Citizens Must Not Be Deprived of the Freedom Given by the Law of the Land"; "What Power is to Settle Our Marriage Laws"—that for the innuendoes of these sentences there can be no adequate apology.

MISUNDERSTANDING: Present excitement was precipitated by the Hebert case. But for it, the promulgation of the Ne Temere decree might have attracted as little attention in Canada as in England (*a*). Protestant assemblies here have associated the decree with the case. They have imagined that the case was an enforcement of the decree—that the Pope had issued a decree in Rome, and that a Canadian court had forthwith given effect to it in Canada. For example, a resolution of a Methodist meeting in Toronto contained the following:

"We note with alarm that the ground is taken by the Romish Church, and evidently by the judge in the case cited, that the Ne Temere decree of the Pope and College of Cardinals at Rome gives authority to the said Church to subordinate the civil laws of the Province of Quebec, and thus make null and void the authority of the Lieutenant-Governor under whose seal the marriage was performed."

And a pastoral letter of the Anglican House of Bishops (21 May, 1911) contained the following:

"Whereas the minds of many have been greatly disturbed by a decision in the Courts of the Province of Quebec annulling a marriage between two members of the Roman Church, solemnized by one authorized by the state to officiate at marriages, and by enforcement of the decree known as the Ne Temere decree by the Bishop of Rome; and

"Whereas we believe the said decision to be contrary to the Christian ideal of marriage, to involve grave civil injustice, and to be in its consequences destructive to the home life of the people."

The writers of these sentences most completely misapprehended the situation. The Ne Temere decree had no more to do with the Hebert case than had the Turco-Italian war. Let me make this perfectly clear (it is a simple task), and afterwards endeavor to explain, with such precision as I can, what the effect of the decree really is.

(*a*) In reply to a question in the House of Commons, Mr. Birrell (a member of the British Government) said: "The law knows nothing of papal marriage legislation. We believe that under it, our Catholic fellow men are not so free as we to marry and to divorce and marry again. Our courts will continue to administer our own law, and all who apply or its benefits shall have them. It has lost none of its efficiency since August 2, 1907."

HEBERT v. CLOUATRE: Two points were involved in the decision, namely:

1. According to the law of Quebec, a Protestant minister cannot marry two Roman Catholics.

2. According to the law of Quebec, the validity of a marriage contract between two Roman Catholics must be decided by the Roman Catholic Ecclesiastical courts, and not by the civil courts.

That the Ne Temere decree had no relation to, or influence upon the Hebert case, results very indisputably from the fact that the decree came into existence in 1907, whereas the two points involved in the case have been discussed in a long series of similar cases dating back at least 60 years, and very probably to a very much earlier period. I might content myself with a mere statement of that fact; but perhaps a few words in explanation of each of the points of the case may not be without interest.

1. The first of them is one of purely legal character: Can Roman Catholics (not, can Protestants; and not, can a Roman Catholic and a Protestant; but, can Roman Catholics) be legally married otherwise than by a Roman Catholic priest? And the answer depends not upon the terms of any decree—Papal or other—but upon the proper interpretation of an old Quebec statute. Long and technical arguments can be urged in support of each side of the question; and the Quebec judges hold different opinions. The decisions in Burn v. Fontaine, 1872, 4 Rev. Leg. 163; and Delpit v. Coté, 1901, R.J.Q., 20 C.S. 338, uphold the validity of such marriages, while other decisions follow the adjudication of the ecclesiastical courts and declare them invalid.

I shall not attempt an examination of the merits of these conflicting opinions. There is much to be said upon both sides of the question, and I have not fully considered it. All that I have to say is that if the view of the statute upheld in the Hebert case is wrong, the remedy is an appeal to a higher court; and if that view is right, then, Roman Catholics desiring to be married must obey the law so long as it stands unchanged. Ought it to be changed? Certainly, if Roman Catholics so desire. But I should think that inasmuch as Roman Catholics appear to be perfectly satisfied with it, and inasmuch as Protestants cannot be in the least affected by it, no Protestant ought to expect to accomplish very much by agitation against it.

2. The Quebec judges hold opposite opinions, also, upon the second point involved in the Hebert case, namely the jurisdiction of the civil courts to decide upon the validity of a marriage contract between two Roman Catholics. In 1880 it was decided (Laramée

v. Evans 24 L.C.J. 235.) that the validity of a marriage between Roman Catholics was one for decision by the Roman Catholic Ecclesiastical Court. In 1901, Mr. Justice Archibald in an exhaustive judgment of about 50 pages (Delpit v. Cote, R.J.Q. 20 C.S. 338) held otherwise, and decided the question himself. The Archbishop had held that a marriage of two Roman Catholics by a Protestant minister was invalid. Mr. Justice Archibald said, that the Archbishop's decision was "null and void" and that the marriage was good. A few months afterwards, Mr. Justice Lemieux made reply to Mr. Justice Archibald, in 37 pages (Durocher v. Degre, 1901, R.J.Q. 20 S.C. 456). A majority of the judges would probably hold that questions of that character must be decided by the Roman Catholic Ecclesiastical Court. Whether or not that is right must be determined by interpretation of the Quebec statute. The Ne Temere decree has not the slightest bearing upon the point.

To understand the Roman Catholic view we must distinguish sharply between marriage and the civil effects of marriage. The Roman Catholic Church declares that marriage is a sacrament; and that the Church alone can deal with it. As to the legal or civil effects of marriage, the Church makes no pronouncement. They are clearly within the scope of the civil law, and in no two countries is the law the same. In one, the wife may get her "thirds", and the husband his "curtesy"; in another there may be a sort of property partnership, and so on. All those arrangements are the results of the fact of marriage—they are its civil effects; while the marriage itself is a religious act. The distinction is simple.

Although in recent years departure from the Roman Catholic view of marriage as a religious act has been somewhat rapid, our own Canadian History reminds us of the earlier stringency of British marriage law, and the limitation to certain favored churches of the right to solemnize a matrimonial alliance. In 1844, Chief Justice Tindal speaking for all the judges who advised the House of Lords in Queen v. Millis (10 Cl. and F. 534) said that previous to the statute of 26 Geo. 2. some religious solemnity had been essential, and that

> "Whatever, at any time, has been held by the law of the church to be a sufficiently religious ceremony of marriage, the same has at all times satisfied the common law of England in this respect" (655,6).

The courts of common law took no concern in these matters, he said, leaving them

> "to the sole jurisdiction of the spiritual courts" (656).

A man belonging to the Anglican Church had been married to a Presbyterian woman by a Presbyterian clergyman, and inasmuch as the Presbyterian clergyman was not, legally, a clergyman at all, the marriage was held to be bad. That, of course, is not now the law either in England or in Canada. Statutes have changed it very considerably. The view of the Roman Catholic Church, however, remains unaltered. It still regards marriage as a sacrament, and a majority of the Quebec judges would decline to declare whether or not two Roman Catholics were husband and wife.

Speaking very deferentially, I believe that the functions of the Quebec civil courts are not thus limited, and that in a province in which all religions are, from a legal standpoint, equal, the majority view is not only anomalous in theory, but impracticable in operation.

Very clearly, the Courts must have jurisdiction in cases in which the parties do not belong to any church. For if not, the validity of such a marriage cannot be investigated at all. Very clearly, too, the courts must also decide the question when the parties belong to churches which have no ecclesiastical courts accustomed to deal with the subject. In other words the Quebec courts must have jurisdiction in all cases except those in which both the interested parties are Roman Catholics. And we thus arrive at the conclusion that if, in that special class of cases, the Quebec courts have no jurisdiction, it must be because of some very special position occupied by the Roman Catholic Church. So far as I am aware it has no special position in this respect.

I say that the Quebec courts must have the jurisdiction referred to in cases in which the interested parties are non-Catholics. I may properly go further and say that the Quebec courts have always so held—no judge, I believe, has ever questioned that jurisdiction. It has been exercised in many cases: in Dorion v. Laurent, 1843, 17 L.C.J. 324; Mignault v. Hafernan, 1866, 10 L.C.J. 137; Connolly v. Woolrich, 1867, II L.C.J. 222; Burn v. Fontaine, 1872, 4 Rev. Leg. 163.

It is my view, then, that the Quebec courts have jurisdiction to decide the question of the validity of marriage, and that no distinction can be made between cases in which Roman Catholics are interested and those in which they are not. My opinion, however, upon such a point is of little value, and my inability to appreciate the distinction so ably contended for by some of the Quebec judges may possibly be attributed to my Protestant training. I state my view for what it is worth, and rather because, in writing this paper, I way be expected to do so, than because I should care to dogmatise upon such a point.

In any event, this at all events is very clear, that if the Quebec courts are wrong, they may (upon this point as upon the other) be put right by appeal to a higher court. If, on the other hand, the courts are right, and if Roman Catholics desire that marriage questions arising between them should be settled rather by the civil courts than by their own church courts, then the law should be altered to suit their wishes. But if (as is quite possible) Roman Catholics are perfectly satisfied with the doctrines and practices of their church, probably it would be better to leave the law as those alone interested in it would wish it to be.

I have now discussed the two points involved in the Hebert case. Indisputably the Ne Temere decree had nothing to do with either of them. Indisputably the Pope and his decree had no more influence upon them than had John S. Ewart and his Papers. Indisputably they are points which have arisen many times during a long course of years in the Quebec courts, and which have been variously determined. Indisputably they have affected Roman Catholics only. And, so far as I know, the only persons who have made any complaint about them are some Protestants who are in no way prejudiced by them.

If any person shall ever find himself aggrieved by such a decision as that rendered in the Hebert case, he may appeal to a higher court. If he shall there find that the statute law is against him, he may petition the legislature for alteration of it. Until this day, nobody has ever appealed, and nobody has ever petitioned. Protest has come only from Protestants who appear not to have made very much effort to understand the subject.

THE NE TEMERE DECREE: What now is the Ne Temere decree? Does it affect non-Catholics? And if so, in what way, and justifiably or otherwise?

As preliminary to exposition, distinguish between the ordinary civil law and the ecclesiastical law of the respective churches. According to the Westminster Confession of Faith

> "The man may not marry any of his wife's kindred nearer in blood than he may of his own" (Cap. 25, art. 4).

That is to say a Presbyterian (say, in Ontario) may not marry his deceased wife's sister, or even his deceased wife's niece (*a*). If he does, he is aware that his church will regard his marriage as invalid. On the other hand, he knows that it will be sanctioned by the civil

a) That is the law of the Church of England also.

law. He does as he pleases. And if anybody were to issue a protest, declaring that the effect of the Presbyterian Confession is "to impose upon Canada" the laws of the Westminster divines, he would probably be regarded as a very foolish fellow.

The same Confession provides that:

"Such as profess the true reformed religion should not marry with infidels, papists or other idolators" (Cap. 25, art. 3)

But that, too, has never had any effect upon the laws of Canada. These rules are binding merely upon members of the church adopting them. (There is no difficulty in seeing that, when the rules are Protestant, even when they declare that certain "incestuous marriages" cannot "be made lawful by any law of man"—cap. 24, art. 4). And if members of the Presbyterian church disobey its rules, they may incur such penalties as the church may choose to enforce—there being always the alternative of withdrawal from its membership. The laws of Canada are no more affected by Presbyterian or Roman Catholic rules than are the orbits of the planets. Is not that unmistakably certain?

To the imposition of church penalties, no objection can be made. Every society of which a man may become a member has its rules, and its penalties for their breach. And every member must pay his penalties or leave his society. There is no tyranny and nothing unreasonable in that. Indeed two of the conclusions of the report above referred to are as follows:

"That no church, priest or minister thereof, in the Dominion has the right because of any supposed ecclesiastical law, rule or privilege, to seek to disturb or affect such status when it has been obtained as above."

"This does not interfere with whatever power each church may have in the Dominion to exercise ecclesiastical supervision over, and to administer such censure, and impose such penalties as its laws permit upon its members, so long as the same do not affect the legal status of the married or their children."

And the pastoral issued by the Anglican House of Bishops (21 May, 1911) contained the following:

"At the same time we fully admit the right of any ecclesiastical or religious body to make and enforce such spiritual penalties as may be in accordance with its own rules; but without impeaching or interfering with the civil status of the parties concerned."

What then is the complaint? The Roman Catholic church does not pretend that the Ne Temere decree affects the civil status of the parties concerned. And nobody questions the

right of the church to discipline its own members for breach of its own rules. What then is the complaint? Read it as formulated by the recent Methodist Ecumenical Conference in Toronto:

"While holding that the fullest religious liberty should be accorded to men of all creeds, the Conference repudiates the idea that any church degree should have the power to override the civil law, and especially on such a subject as that of marriage, on which the welfare of any community depends."

But the Conference might just as properly have repudiated the idea that the Emperor of Morocco should have the power to alter our bank act or change our school law.

The Reformed Episcopal Church passed a somewhat similar resolution. It recited that

"It seems by recent developments in the Province of Quebec, that the canon law of the church of Rome has power to override the civil law in relation to the solemnization of marriage."

and declared that

"Such conditions seem out of bearing with British principles of impartiality and freedom."

A resolution declaring that Cingalese Buddhists had power to override our navy act, and making hot appeal to the patriotism of all true lovers of British freedom, would have been equally sensible. I am afraid that many clergymen are somewhat too ready with their condemnation of those whom (as I think) they ought to regard not as enemies, but as allies (*a*).

In order that there may be no question that the Roman Catholic church does not even pretend that its cannon law can override the civil law, let me quote from the Tablet (the official organ of the Roman Catholic Archbishop of Westminster):

"The decree speaks only of canonical nullity or validity of marriages; that is of the nullity or validity in the judgment of the Catholic church and in the sight of God. The Catholic church, though she does not acknowledge that the state has any right to determine what marriages shall be null or valid, has no power to change the civil law of marriage. Therefore, notwithstanding the recent decree, if two persons of any religion whatever, against whose marrying there is no legal impediment (that is, no civil impediment according to the law of England) marry each other in England according to the requirements of English law, their marriage is (and such marriage will continue to be) in law, valid and binding, whether a priest or other minister of religion be present or not."

(*a*) One excitable Episcopalian in Winnipeg is reported to have said: "This is a Protestant country that refuses to be oppressed in any way by a foreign Italian bishop."

This extract has been published in Canada as expressive of the view of the Roman Catholic Church here.

THE DEGREE: Let us now read the principal article of the Ne Temere decree:—

"Only those marriages are valid which are contracted before the parish priest or the Ordinary of the place, or a priest delegated by either of these, and at least two witnesses, according to the rules laid down in the following articles, and saving the exceptions mentioned under VII and VIII."

That provision, like the decrees of other churches, is of course binding upon members of the church alone, and it is the sheerest nonsense to speak of it as imposing law upon Canada. Indeed the decree itself specially provides that

"Non-Catholics. . who contract among themselves, are nowhere bound to observe the Catholic form of sponsalia or marriage."

That was, of course, a very unnecessary provision (unless possibly for the case of a married Protestant joining the Roman Catholic church) but there it is.

The decree made no change in the civil law (for, of course, it could not), and it made but one alteration in the Roman Catholic ecclesiastical law. The paragraph above quoted from the decree is substantially the same as the corresponding article in the decrees of the Council of Trent (1563), and that article was, by the declaration of Pope Benedict XIV, substantially introduced into Canada more than 150 years ago. There is this single difference: that prior to the Ne Temere decree, the rule did not apply to mixed marriages (marriages between a Catholic and a non-Catholic) whereas now it does. That is to say, the decree now requires that mixed marriages to be valid in the eyes of the church, shall be solemnized by a Roman Catholic priest.

The only point which can be attempted in connection with the application of the rule to mixed marriages is this: Previous to the Ne Temere decree, a mixed marriage, solemnized by a Protestant clergyman, was valid in Quebec, both by the civil and the Roman Catholic ecclesiastical law; now it is invalid according to ecclesiastical law; and it may be argued that IF the Quebec courts should refer cases of mixed marriage to the Roman ecclesiastical courts, the decisions would be in accordance with the ecclasiastical law and contrary to the civil law. But there is no room for apprehension on that score. No case of a mixed marriage has ever been referred by a

Quebec judge to a Roman Catholic ecclesiastical court. The reasoning by which such a reference is justified in cases in which both of the interested parties are Roman Catholics has no application to mixed marriages. Fairly familiar with that reasoning, I feel that I am safe in saying that no Quebec court will ever send a mixed marriage case to a Roman Catholic tribunal. When it does, I shall be happy to join in the protest which will certainly ensue.

As a variation of the same attempted point, this too, may possibly be urged: A doctrine of the Roman Catholic Church is: "Once a Catholic, always a Catholic;" nevertheless, as a matter of fact, some Catholics become Protestants; and if questions as to the validity of marriage between Catholics are to be referred to the Catholic courts, it may happen that two Protestants may be sent to a Catholic Bishop. But the sufficient reply is, that the civil courts, quite rightly, pay no attention to the doctrine referred to. They investigate for themselves. In cases relating to tithes, they frequently have to do so. If anyone baptized as a Catholic is asked to pay tithes, he may plead that he has left the Catholic Church, and no one, so far, has been ignorant enough to tell him, in a civil court, that he is still a Catholic, upon the ground that: "Once a Catholic always a Catholic."

SUMMARY: For the sake of clearness it will be well to summarize the results arrived at:

1. The Ne Temere decree had no bearing whatever upon the Hebert case.

2. One point involved in the Hebert decision, was that according to the law of Quebec, a Protestant minister cannot validly marry two Roman Catholics.

The second point involved in the Hebert decision was that, according to the law of Quebec, the validity of a marriage between two Roman Catholics must be decided by the Roman Catholic ecclesiastical courts, and not by the civil courts.

3. Whether those decisions are, or are not correct, depends upon the interpretation of a Quebec statute; and the judges hold different opinions.

(*a*) The questions can be settled, as all such questions usually are settled, by an appeal, or by a reference to the Supreme Court of Canada, or the Judicial Committee of the Privy Council.

(*b*) If the law is as held in the Hebert case, it ought to be changed if Roman Catholics so desire. If they do not, it should be left as it is.

(*c*) The points involved in the Hebert case affect Roman Catholics, and no others.

4. The principal clause of the Ne Temere decree has, substantially, been in force as Roman Catholic ecclesiastical law for more than 150 years.

(*a*) The only change effected by the decree, was to extend the application of the rule to the case of mixed marriages. Since the decree, a mixed marriage is, in the view of the Roman Catholic Church, invalid, unless it has been solemnized by a Roman Catholic priest.

(*b*) But the view of the Roman Catholic Church has no more effect upon the civil validity of the marriage, than has the view of the Presbyterian or Episcopalian churches.

5. If it be said that the validity of mixed marriages ought not to be referred for decision to the Roman Catholic ecclesiastical courts, the sufficient reply is, that no such question ever has been so referred; that it is extremely improbable that such a question ever will be so referred; and that present objection and agitation are, therefore, premature.

THE SYNOD'S REPORT: Having now, it is hoped, a clear view of the meaning of the Hebert case and of the scope of the Ne Temere decree, and remembering that the decree has had no effect whatever upon the laws of Canada, let me quote from the report above referred to, and in the name of Canadian fellowship make appeal against it:—

"ARE THE DECREES OF THE POPE TO RULE IN CANADA? The recent decree of the Pope calls for an immediate protest on the part of the Dominion, and the taking of all legitimate steps for the protection of her people. What is now occurring in our land forcibly illustrates the truth of the words 'eternal vigilance is the price of civil and religious liberty.' This is a matter in which every citizen, be he Protestant or Roman Catholic, is very vitally interested."

"THE DOMINION SUPREME. . . INTERFERENCE WITH THIS SUPREMACY". The object of the Ne Temere Decree (the material portions of which are subjoined as appendix A.) is said to be to impose upon Canada, in an altered form, the laws of the Council of Trent touching marriage."

"WHAT FREE EXERCISE OF RELIGION DOES NOT COVER. The claim of the Church of Rome is, that because religious toleration is granted to Roman Catholics, it has thereby been given the power to compel, in order to the supposed validity of certain marriages, the observance, not of what the law of the land lays down in respect thereof, but of the special regulations, antagonistic to these, which the Church of Rome chooses to enforce."

"WHAT DOES ROME CLAIM?" "ROME CAN DESTROY MATRIMONY. The immense power claimed then by Rome is seen from the following clause 24 of the Sixth Session of the Council: 'If anyone should say that the Church could

not constitute impediments destroying matrimony, or that the Church has erred in so constituting impediments destroying matrimony, let him be anathema.' What an interference with our Constitution! The attempt of a foreign power to interfere in the government of our land by repealing our laws and casting doubt upon our legislation must be promptly and boldly met by our interdict."

"The B.N.A. Act is displaced, and each citizen of the Dominion may have at his peril to ascertain and to answer, before entering into the state of matrimony, most intricate questions on the law of marriage."

"Citizens Must not be Deprived of the Freedom Given by the Law of the Land. The civil and religious liberty supposed to be awarded to every citizen of the Dominion as an inalienable and priceless heritage—our birthright—must not be taken away or impaired."

"What Power is to Settle our Marriage Laws? Your committee submits that this is a question in which all the citizens of Canada, whatever their religious beliefs may be, are vitally interested—Roman Catholics equally with others. Are the people of Canada to be humiliated by dictation from any outside power, lay or ecclesiastical, upon the question of their marriage laws? Are they prepared to admit in a land, where religious equality is one of our constitutional rights, that such a canon as the twenty-fourth of the sixth session of the Council of Trent should be allowed to be operative in our Dominion?"

For no one of these quotations can the slightest justification be suggested.

One of the recommendations of the Synod Committee is as follows:

"That any one who enters into a household for the purpose of stirring up strife, and endeavoring to cause a separation because of the absence of some requirement, merely of a religious denomination, should be declared to have committed a breach of the law of the land and should be made responsible for the consequences."

I am very doubtful about the advisability of that sort of legislation, but a perusal of the report just referred to would (during the heated moment) almost induce me to vote for it if amended as follows:

"That anyone who does anything for the purpose of stirring up strife and endeavoring to cause a separation between members of a community, merely to gratify religious animosity, should be declared to have committed a breach of the law of the land and should be silenced—more or less effectively."

SOME IMPERIALISTS.

In Kingdom Papers No. 4, I said:

> Perhaps the most satisfactory feature of Canada's very rapid progress towards independence is the fact that the great majority of those who still regard themselves as staunch imperialists not only contentedly accept the advances which, from time to time, are made, but that they themselves are learning to use, with apparent pleasure, the language of nationalism."

And in illustration of what I meant, I quoted language of Lord Grey, which, (if its authorship were unknown) would, by many Canadians, have been ascribed to some foolish nationalist. I want to give a few other illustrations.

1. Mr. Lyttleton: The Right Hon. Alfred Lyttleton is a strong imperialist. He succeeded Mr. Chamberlain as Colonial Secretary, and pursued that gentleman's imperialistic methods in dealing with the colonies. It was he who proposed to turn the conferences into a council, with the hope that it might grow into a parliament. That was in 1906. In 1911, he wrote one of the chapters of a book entitled "British Dominions" (edited by Prof. Ashley), and from that chapter (pp. 16-18) I make the following quotations:—

> "But action should be organised in the clear appreciation of the fact that, as between the parent country and the Dominions, there is now *a practical equality of status.* Permit me for a minute to dwell on this topic. In 1905, I wrote on behalf of the government (*a*) a circular despatch to the governments of the Dominions touching imperial organisation, and making certain suggestions, some of which have borne fruit, with respect to the conference then anticipated as about to take place. In this despatch the expression "States of Empire" occurred, and was noticed as being a novelty in nomenclature; but *now it has passed into the normal currency of descriptive terms.* Ten years before, Lord Ripon, writing on behalf of the Liberal government of the day, expressed himself thus: 'To give colonies the power of negotiating treaties for themselves, without reference to Her Majesty's government, would be to give them an international status as separate and sovereign states, and would be equivalent to breaking up the Empire into a number of independent states; a result which Her Majesty's government are satisfied would be injurious equally to the colonies and to the mother country, and would be desired by neither. Negotiations, being between Her Majesty's government and the sovereign of a foreign state, must be conducted by the representative of Her Majesty at the Court of the foreign power, who will inform the government and seek instructions from them.

(*a*) That is, the British Government.

as necessity arises.' But it will be in your recollection that quite recently, and with the full approval of His Majesty's present government, the Dominion of Canada carried on independently exactly such negotiations as Lord Ripon had criticised. Technically these negotiations were carried on with the knowledge of His Majesty's representative; but, it has been authoritatively stated in parliament, and not denied, that *at no stage of the proceedings was His Majesty's government consulted.* Now, I desire specially to emphasize that, although regret has been expressed that Canada should have had to deal as an isolated unit with other great commercial countries, unsupported by a coherent and concerted imperial policy to strengthen her hand, *no criticism whatever has been made as to her right to act as she has acted,* no echo of Lord Ripon's strong protest has been heard from any quarter or any party; on the contrary, Mr. Balfour in the House of Commons was understood to say that His Majesty's government were well advised, in the changed conditions, to recognise the legitimacy of the Canadian claim, and CORDIALLY EXPRESSED HIS PLEASURE AT THE GROWTH OF THE DOMINIONS TO THE STATURE OF NATIONALITY.

For a long time the true political relation of this country to the Dominions was obscured in wise silence; but the period during which that silence could be maintained has now ceased. The consciousness of the great Dominions has rapidly matured; and the recurring imperial conferences have of necessity brought about a clearer definition of their national aspirations. 'We do not seek independence or separation from the old motherland· the daughter states do not want separation; the freer they are, the more attached are they to their allegiance. We are independent as a nation, but while we are independent as a nation, we are subject to His Majesty the King, and we have no other sovereign, but the King of Great Britain and Ireland " In such words, and they are by no means the first, Sir Wilfrid Laurier has asserted the position of the Dominion of Canada; and IN THEIR CLEAR LIGHT, IMPERIAL ACTION IN THE FUTURE SHOULD PROCEED' (pp. 16, 17).

I find myself in perfect accord with Mr. Lyttleton's sentiment. He would object to independence *if by that was meant the severance of our allegiance to the Crown.* I, too, would object to independence in that sense. He believes that future action should proceed upon the basis that Canada is "independent as a nation" but "subject to His Majesty the King"—"with no other sovereign but the King of Great Britain and Ireland." That is precisely the language for which I have been pretty severely scolded in Canada. May I not repeat what I said in Paper No. 1, that:—

"in England the point is much better understood."

At another place (page 20) Mr. Lyttleton after discussing Adam Smith's affirmation

"that Great Britain might legitimately settle treaties of commerce with her colonies overseas, so as to effectually secure to her greater advantages than the monopoly which she at one time enjoyed—treaties which might dispose them to favor us in war as well as in trade."

added the following words:

"The conditions which Adam Smith had in his mind were those now actually realised, viz. The PRACTICAL INDEPENDENCE OF THE SELF-GOVERNING COLONIES."

In the Kingdom Papers I have frequently made the same assertion, and I have made it no more strongly than does the Unionist Colonial Secretary of 1905. At still another place, Mr. Lyttleton said:

"It is not an exaggeration to say of these plans that a scheme has now been launched for an imperial navy capable of indefinite expansion, subject always to the right which has been already referred to, of each State to approve or disapprove, and THUS TO ENTER OR NOT TO ENTER UPON WAR."

That is the right which I have always claimed for Canada. We may, and probably shall, take part in British wars; but, when discussing our constitutional position, I purposely omit all reference to what we *may* desire to do. I deal with one point at a time. As to our *right* to approve or disapprove of British wars and to act accordingly, my view is that of Mr. Lyttleton.

2. MR. WARWICK CHIPMAN: Mr. Chipman is evidently an imperialist, and one of the few of that class who are still unconvinced of the impracticability of "imperial federation." Indeed, he appears to think (*a*) that no satisfactory answer can be given to his question

"Why then not deal with them" (common interests) "in our ordinary constitutional manner by a single representative body responsible to a united electorate?"

I quote this, not to answer it (The Imperial Federation (Defence) League found the answer, and changed both its name and its purpose), but as rendering extremely significant some other passages of Mr. Chipman's article:—

"Perhaps the most striking feature of the British Empire is *the fact that it does not exist.* It is as true for us as it was for Adam Smith more than a century ago that 'this Empire has hitherto existed in imagination only. It has hitherto been, not an empire but the project of an empire.' It may be that we ought rather to say that if there be a British Empire then, great as it is, it relates to not one quarter of the King's Dominions. If the phrase betokens the control by one

(*a*) "War and Empire" in The *University Magazine*, October 1911, page 390.

of them, of immense territories and wide-spread populations, it has indeed a sufficient fulness of application; but, in the more modern and broader meaning of common effort and common responsibility on the part of all who fly the same flag, *we are not able to use it.* Britain has an Empire, Canada, Australia, New Zealand, South Africa, have nothing but themselves.

"Sir Wilfrid Laurier proclaimed this when he declared, *quite logically*, that unless we were consulted in the policies that governed Empire, *it remained with us to say when, and whether if at all, we should take our part in the consequences.* He went considerably farther and changed indeed the whole basis of his logic, when he announced his wish that the Dominions should not be consulted, because they would thereby commit themselves to liability for the consequences. Mr. Fisher of Australia is reported to have been not less frank in stating (*a*) that we are not an empire, but a very loose association of independent nations, willing to remain in fraternal co-operative union, but only on condition that we may at any time, or for any cause, terminate the connexion, untrammeled by any laws, treaties, or constitutions. While he has repudiated the report, the fact that it could be published is in itself momentous.

"To some, this state of affairs is a matter of congratulation, to others of regret; to none can it be a matter of indifference, for, whichever *party* be the wiser, *things cannot stay as they are.* The facts are changing as we look at them; and these are the days that inevitably determine *whether a British Empire will ever declare itself*, or whether it will be written in history as nothing but an abandoned hope.

"If we would have any clear idea of the forces and tendencies involved in this question, *we must rid our minds of the metaphors that are the cant of our time. It is not the part of wisdom that similes and figures of speech should control policies, and yet on every hand they are held out to us as the decrees of fate.*"

One would think that nobody could object to a request for definition and precision. Coming from an imperialist it will probably escape criticism. When I pleaded for the proper use of words, I was told that my

"insistence on certain nomenclature is in itself suspicious (*b*)."

Mr. Chipman proceeds to point to the necessity for clear understanding of the subject, and in doing so makes use of an argument which in slightly different form may be found in Kingdom Paper No. 1. (pp. 19-20):

"Certain it is that there is now for our choosing an imperial ambition, the noblest we might conceive, with opportunities, such as none have had, to realize the conception. Certain, too, it is that WE IN CANADA NEED SOME DEFINITE STATUS, TO PUT AN END TO THOSE DOUBTS OF OUR NATIONAL INTEGRITY THAT MUST MAKE EVERY TRUE CANADIAN BLUSH FOR SHAME. Was there ever a spectacle as we, for the last twelve months, have presented, of a concrete and vigorous country wondering how far it could remain loyal to itself, how far it might be

(*a*) Review of Reviews, July 22, 1911.
(*b*) United Empire, August, 1911, p. 573.

tempted to yield its very body and soul to influences alien to its whole tradition? Let us have done with this forever by announcing, once for all, to ourselves and to our neighbors that we move in other ways."

Certainly, but there is not the slightest use in telling our neighbors that "we move in other ways" unless we actually do it; and, if we are to postpone the announcement (as Mr. Chipman would probably suggest) until we are ready for "imperial federation", there is every chance of the spectacle which we have presented for the last twelve months continuing for the next twelve centuries.

Mr. Chipman sees that our present undefined relations with the United Kingdom are a source of danger (I have made the same point upon several occasions) from a war point of view:

"Sir Wilfrid Laurier's notion, if it be really anything more than rhetoric intended to take the wind out of the sails of Mr. Bourassa, that when England is at defensive war, Canada, if it chooses, can be at peace, is amazingly naive (*a*)."

"The same must be said, though with a difference, in considering the views wrongly put into the mouth of Mr. Fisher of Australia. 'There is no necessity for us to say we will, or will not, take part in any of England's wars. If we were threatened we should have to decide whether to defend ourselves; and if we thought the war unjust and England's enemy in the right, we should have the right to haul down the Union Jack, hoist our own flag, and start on our own account.' Of those who agree with such declarations, it may very pertinently be asked, is England to have the same liberty if the strenuous nationalism of any one of the Dominions brings it into trouble in its own sphere? Is Britain to be free to leave the proud Dominion to its own devices on the plea that she had no say in the policy that provoked the war? (*b*)."

Mr. Chipman's idea seems to be that the relation of the United Kingdom and Canada is that of nations that have entered into a war alliance, namely that each is under obligation to assist the other in case of war. That may possibly be a very good arrangement to enter into; but it has not been made; and quite possibly neither the United Kingdom nor Canada would agree to it. The United Kingdom might very well urge that Canada's war assistance was not sufficient consideration for the assumption of responsibility for all that Canada might do. And, on the other hand, Canada might very properly urge the extreme unlikelihood of war on her behalf, as against the constant menace which alliance with the United Kingdom would produce.

If, then, the United Kingdom and Canada have entered into no such arrangement, and if it is quite possible that neither of them would agree to it, the answer to Mr. Chipman's question is very simple. He asks:

(*a*) *University Magazine*, p. 398. (*b*) Ibid., p. 399.

"Is Britain to be free to leave the proud Dominion to its own devices on the plea that she had no say in the policy that provoked the war?"

And the answer is that, undoubtedly, Britain is not only "to be free", but is now perfectly free; that she would probably not agree to be anything but free; and that until she does so, she will for the future continue to be free. She was perfectly free, not only to leave us to our own devices, but actually to side against us upon the only two occasions upon which her navy has taken part in our quarrels—once she helped, illegally, the French against the Newfoundlanders, and on another occasion she assisted United States' cruisers to chase our sealing-ships from the Pacific. I thoroughly understand—indeed, I have strongly urged—that such a situation is absurd as well as dangerous. We ought to see if a reasonable arrangement can be made upon the subject, and in that way put an end to all the uncertainty which the present situation produces.

3. The Encyclopedia Britannica: In the recently issued edition of the Encyclopedia Britannica may be found the following:

"British Empire, the name now loosely given to the whole aggregate of territory, the inhabitants of which, under various forms of government, ultimately look to the British crown as the supreme head. The term 'empire' is in this connection obviously used rather for convenience than in any sense equivalent to that of the older or despotic empire of history."

The writer of this paragraph did not sufficiently distinguish. The British Empire is still a reality and still despotic. India and scores of other places are under constant reminder of the fact. The writer did not mean to assert otherwise. He meant to say that the words *British Empire* are used "loosely" *when they are intended to include Canada* and other places which have ceased to be governed by the Colonial Office. That is perfectly true. But so long as we continue to use the words loosely some of us will think loosely—many will continue to imagine that Canada is *really* a part of the British Empire. And convenience is not a sufficient excuse. If we wish to speak of

"The whole aggregate of territory, the inhabitants of which, under various forms of government, ultimately look to the British Crown as the supreme head"

let us use the proper term, The King's Dominions, or (if we wish to be a little sonorous) The Dominions of the King. And let us apply the words *British Empire* to the aggregate of territory which they properly describe, namely, the United Kingdom and the

places governed by the United Kingdom. Canada is part of the King's dominions. Canada is not part of the British Empire. India and the Crown Colonies are. Why not use terms accurately?

Lord Grey recently told us that he had

"rejoiced as an Englishman over the material developments of Canada, and over her *emergence from the status of a daughter to that of a sister nation in the empire*(a).

Let us keep the idea of that emergence clearly in our minds. In perfect accord with it, the writer in the Encyclopedia Britannica says that

"It is understood that the principal sections of the empire enjoy equal rights under the Crown and that none is subordinate to the other"

—a sentence which would be improved by the omission of the loosely-used word *empire*, and the substitution of the more accurate phrase, the *King's dominions*.

4. Mr. Reginald V. Harris (Halifax, N.S.) was accorded the 100 guinea prize offered through the "Standard of Empire" for the best short essay on "The Governance of Empire." His imperialism is very real—if much too indefinite for clear expression. He commences his essay with the assertion that

"Imperial unity is not only essential to the well-being of the empire, but absolutely necessary to its maintenance;"

from which we might reasonably gather that, in the writer's view, we are in full enjoyment of imperial unity (whatever that may mean) and that a method of its maintenance was the subject of his essay. But we should be wrong, for the writer immediately proceeds to tell how we are to set about achieving the necessary unity, and, before he leaves his first page, declares that

"The duty is upon all the states of the empire to set up the ideal and work towards it; to preach the gospel of all-British co-operation as the gospel of all-British salvation."

In other words that so far from there being an imperial unity, and so far from the writer having any desire for it, our ideal ought to be co-operation which, of course, necessarily implies not unity but plurality. After a digression the ideal is stated in this way:

(a) Ante, p. 115.

"Co-ordinated autonomy is the ideal, and the true essentials to any real forward step towards closer union are a recognition of the equal partnership of Empire and a zealous spirit of co-operation."

But nobody knows what either a "co-ordinated autonomy" or an "equal partnership of empire" is. I suppose that if we repeated the words "co-ordinated autonomy" or, for example, "co-operating unity" often enough, we might not only get to imagine that they really did mean something, but we might actually become ecstatic and insistent about them. Imperialism (or rather the misty unreality which the word is supposed to suggest) exists almost solely because of the looseness of the language in which it expresses itself. What in the world is "an equal partnership of empire?"

Mr. Harrison, then, is one whom I may safely use as a further illustration of the truth of one of the assertions with which the second part of this paper commenced. He says:

"There is a convenient but weak and dangerous theory that great things will come to pass by letting present things alone."

"The problem is to harmonize the organization without doing violence to the principles by which the Empire is matured. Experience and a close analysis of the problem, however, have shown that immediate union on the lines of an elaborately constituted imperial parliament with the jurisdiction of the imperial and local parliaments carefully distinguished and defined *presents difficulties too great and advantages too few* to permit of the fulfilment of the great constitutional dream. That is a far-off vision of union."

"Although during the past twenty-five years many formal plans have been suggested for reaching a basis of mutual understanding and for strengthening the bonds of Empire, *the Empire is still without an articulating agency.*"

"The present conception of the British Empire regards Great Britain and the self-governing dominions of Greater Britain as constituting a group of allied nations. If there is a difference between the ordinary relations of allied peoples and those existing between the motherland and the kindred states it lies in the fact that there exists much greater freedom of speech and intercourse than is permissible and customary between other allies; there is a recognition of the perfect autonomy which has accompanied the growth to full nationhood of the self-governing dominions; and there is on the part of the latter a clear and far conception of their responsibilities as part of one empire. There seems to be, in short, a virtual declaration on their part for *autonomy first and combination afterwards. Nor does it appear that any other solution of the problem would be either advisable or possible.*"

All of that would do exceedingly well for a Kingdom Paper. There is in it, no doubt, a certain looseness of phraseology, but, for that Mr. Harris seems to think that he ought not to be blamed—that it ought to be debited to the uncertainty of present political relations, and looking forward he tells us that:

"As time went on there would be more precise methods of government attained, *a scientific basis would be reached in which terms and phrases would correspond with some closeness to the reality.*"

I am quite sure that such a very competent essayist as Mr. Harris could discuss any other subject but imperialism in clear and coherent fashion. And may I not humbly ask whether either our patriotsim or our piety would suffer complete submergence if, in a quiet, unobtrusive sort of way, we ventured, once in a while, to discuss, with proper seriousness, our political status in terms and phrases which "would correspond with some closeness to the reality?"

5. Mr. Hamilton: As journalist and publicist, Mr. C. Frederick Hamilton (Ottawa, Ont.) enjoys an enviable reputation I had always supposed that his imperialism was not only rigid but militant. His recent article in United Empire (June, 1911)is, however, almost indistinguishable from a Kingdom Paper. Taking as. his title "A Prince of Canada", and noting that,

"Our constitutional development is reaching a stage which seems ripe for an advance",

Mr. Hamilton asks:

"And will Canada be carrying on the series of governors-general selected from the peerage when she has twenty, forty, sixty, millions of people?"

and makes reply that

"We must expect to see growing up a system whereby a Prince of the British Royal Family will be installed for something closely resembling a life tenure of the post of—whatever we like to call him: Governor-General,Viceroy, Prince of Canada: the fact is more important than the title."

Referring to our constitutional history, Mr. Hamilton says:

"We have had British governors since 1760, a matter of 150 years. For much the greater portion of that time the governor was a governor in the full sense of the word. Canada was a colony; a dependency of the British crown of the United Kingdom and of the British parliament. The governor was an officer subject to the British parliament, under the orders of a parliamentary minister, sent to manage the affairs of Canada in acordance with the dictates of the policy of the United Kingdom. To some extent he was to exercise the local duties and functions of the monarch, but to a larger extent he was to be the agent in Canada of the British parliament: he was the ambassador of British policy; he lived amongst us, to some extent, as our local constitutional head, but to a larger extent as the representative of an outside power which bent our policy, or was supposed to bend it, to further its interests. This stage of our development

was marked by a good deal of bickering, and by much ill-feeling. For fully a century the governor-general was the representative in Canada of British policy, and bore "instructions" which enjoined him to overrule Canadian policy if it did not square with imperial views. Lord Monck, our first confederation governor-general, was directed to reserve divorce bills and bills imposing differential duties. To-day all that is changed. I take it that the governor-general is designated by the imperial authorities to be our local constitutional head and very little else. He is sent to discharge in our domestic affairs the functions which the King discharges in the domestic affairs of the United Kingdom. While he undoubtedly is the channel of communication with the United Kingdom, there is little or no suggestion that he is sent to "steer", us, as an American would say. Instead of representing British policy in Canada *we now observe a growing tendency to look upon him as representative of Canadian policy in Great Britain.*"

The effect of the change from peers to princes, (a change undoubtedly of most momentous import), Mr. Hamilton presents to us as follows:

"Such is our situation at the moment when we make the highly interesting experiment of placing a royal personage of the highest rank in Rideau Hall. The key to it is the plain, simple fact that once we get a royal prince as governor-general it will go against the grain to replace him by a person of lower rank. The gratification which we experience at the Prince's coming will be the measure of the difficulty of finding a successor. And it is impossible to establish a six-year succession of royal princes."

"The solution surely is the abolition of the six-year term; the making of the governor-generalship a life appointment. It will be our English way of course to do it piecemeal and cautiously: to appoint His Royal Highness for a short term to see if all goes well, and then when the period draws to an end to re-appoint him; and to continue the process until it occurs to some bold spirit to abolish the six-year limitation, by that time become a dead letter."

"In effect I am advocating the establishment of a new sub-variant of monarchical government, A LOCAL KINGSHIP, if I may dare to use the phrase, in an exceedingly democratic country, which at once reposes its loyalty in the King overseas, and is destitute of the innumerable safeguards to monarchy in its daily life which the social system of England provides."

"KING GEORGE WILL REMAIN OUR KING; IT WOULD BE WELL TO ACCOMPANY THE CHANGE I ADVOCATE BY PROCLAIMING CANADA A KINGDOM, AND CROWNING KING GEORGE (WITH A SEPARATE CANADIAN CROWN IF YOU LIKE) KING OF CANADA."

And Mr. Hamilton summarizes his notable article in this way:

"1. The king, who should be specifically the King of Canada, should nominate the governor general, or prince of Canada.

2. The prince should hold office for life, subject:

3. To the provision that the king may recall him, either of his own motion, or on receiving an address from both houses of parliament of Canada.

This is a far view, though by no means so far a view as Wakefield's when he wrote in 1849. Let those who object to taking long views reflect on one

consideration to which I have already alluded: *How are we to find a successor to His Royal Highness in* 1917?"

I heartily concur in Mr. Hamilton's remark that

"Our constitutional development is reaching" (I should say has reached) "a stage which seems ripe for an advance."

I agree that it is impossible to answer affirmatively the question

"And will Canada be carrying on the series of governors-general selected from the peerage when she has twenty, forty, sixty, millions of people?"

I agree with Mr. Hamilton's historical review. I agree (with a qualification hereafter referred to) that

"Once we get a royal prince as governor-general it will go against the grain to replace him by a person of lower rank"—from England.

I agree that King George should remain our King, and that he should be "specifically the King of Canada." I agree that the king "should nominate the governor-general or prince of Canada", and I agree that

"It would delight us if something made it plain that he is chosen by the king as distinct from his ministry of the United Kingdom."

I agree that Canada should be proclaimed a kingdom; and that King George should be crowned with a Canadian crown, King of Canada.

I agree with all this because it appears to me to be so fitting, so laudable, so necessary, and so inevitable. But I am doubtful about Mr. Hamilton's solution. It is, indeed, most appropriate that the ascending scale in social importance of Canada's governors should come to climax, as Canada approaches nationhood, in a prince of the royal blood, but the next step is not, as I think, one from six-year office to a life term, but one which will present still further acknowledgment of our admitted equality of political status, namely, the appointment of one of our own people as Viceroy of Canada. There is no office in Canada from which Canadians ought to be excluded (*a*). "How are we to find a successor to his Royal Highness in 1917?" I TAKE THE LIBERTY OF PROPOSING SIR WILFRID LAURIER.

(*a*) Sir Francis Hincks became Governor of Barbadoes and afterwards of British Guiana.

6. LORD MILNER: Lord Milner may very properly be regarded as the leader of the British imperialists. A somewhat lengthy quotation from him upon pages 12 and 13 of Kingdom Paper No. 1 warrants his inclusion among those imperialists who make use of the "language of nationalism". The quotation commenced as follows:

"The word 'empire' has in some respects an unfortunate effect. It, no doubt, fairly describes the position as between the United Kingdom and subject countries such as India or our Central Africa possessions. But for the relations existing between the United Kingdom and the self-governing colonies it is a misnomer and with the idea of ascendancy, of domination inevitably associated with it, a very unfortunate misnomer."

The *Montreal Star* speaks of the free communities which

"we maladroitly call the 'British Empire' (*a*)."

Quotations from other imperialists could be added, but probably sufficient have been supplied to prove that I was not speaking recklessly when I said:

"That the great majority of those who still regard themselves as staunch imperialists, not only contentedly accept the advances which from time to time are made, but that they themselves are learning to use the language of nationalism"

JOHN S. EWART.

November, 1911.

(*a*) The *British Standard of Empire* whose raison d'être is imperialism, copied the *Star's* paragraph (13 October, 1911).

THE KINGDOM PAPERS, No. 6.

A CANADIAN NAVY

These papers (including the back numbers) will be sent, free of charge, to all applicants.

JOHN S. EWART,
Ottawa, Ont.

A CANADIAN NAVY.

(In order to draw attention to the purpose for which quotations are employed, italics not appearing in the original are sometimes made use of.)

ON two questions Canada appears not to have arrived at very certain conclusions: Does she want a navy of any sort? And, if so, what sort of a navy ought it to be?

Indecision must be attributed to two main causes: First, the indefinite character of our political relationship with the United Kingdom; and secondly, unfamiliarity with the history of the subject. In the present Paper, I shall endeavor to supply material for the formation of judgment, rather than to advocate the adoption of my own views.

Our Obligations.

In previous Papers I have endeavored to define the nature of the relationship which exists between Canada and the United Kingdom, but I am not sure that I have been able to do more than make clear the peculiar anomalies of its character. Nominally, legally, and, very largely, internationally, Canada is still part of the British Empire—is still one of those countries governed legislatively by the British parliament, and, administratively, by the Colonial Office. As a matter of fact, Canada is almost completely an independent state; and everyone agrees that domination from London is, for the future, as impossible as from St. Petersburg. Every step from colony to kingdom has been contested—our right to legislate as we pleased; our right to administer our affairs as we pleased; our right to negotiate our trade and boundary treaties as we pleased. But all these contests belong to history. Nothing of them remains. With respect to all of them we are really, although not yet nominally, in the position of an independent state.

The contradiction between the real and the merely legal has led, quite naturally, to opposite opinion as to the position of Canada

in the event of the United Kingdom being engaged in war. If we are part of the British Empire, then, most certainly, when the Empire is at war, we are belligerent—for the whole includes the less. And if, on the other hand, we are an independent state, then we are at war only when we wish. But the fact is, that we are neither part of the Empire nor independent—or rather, nominally, we are the one, and really, we are the other.

From one point of view, there is no answer to what Sir Frederick Pollock has said:—

> "The law of nations knows nothing of an international unit, whatever its internal constitution may be, making war and peace in sections. Austria cannot be at peace while Hungary is at war; and if the United States go to war, Massachusetts or California cannot be neutral. . . . . And what would Sir Wilfrid Laurier say to a claim of the Province of Quebec to have no part in the wars of the Dominion" (*a*).

But Sir Frederick begs the question, which is not whether a unit is divisible (about which we may assume general agreement), but whether it is a unit that we are speaking about. Nominally it is, but really it is not. What does the law of nations know about a case of that sort? Nothing? Very well, the law of nations cannot settle it. There are very many other points upon which there is no law of nations.

From the other point of view—that Canada is an independent state related to the United Kingdom only by allegiance to the common sovereign—the position is likewise clear. When England and Scotland were separate kingdoms under the same king, one might be, and indeed was, at war without the co-operation of the other. And when the British parliament was arranging for the union of the crowns of England and Hanover, one section of the statute provided:

> "That in case the crown and imperial dignity of this realm shall hereafter come to any person, not being a native of the Kingdom of England, this nation be not obliged to engage in any war for the defence of any dominions or territories which do not belong to the Crown of England, without the consent of parliament" (*b*).

Canadians may be pardoned if in their anomalous political situation they take the view of their position more favorable to themselves; and, when the history of the relation between the two countries is remembered, it cannot be thought extraordinary that

(*a*) *Times*, July, 1911.
(*b*) 12, 13 William III, cap. 2.

the British authorities should be found assenting to that view. Canada has most clearly and authoritatively asserted her freedom of action in case of a British war. She has done so principally in three ways:

(1) By the specific declaration of her Prime Minister speaking as such from his place in the House of Commons (*a*).

(2) By the specific communication of that declaration to the British authorities at the Imperial Conferences of 1902 and 1911 (*b*).

(3) By the clause of the statute providing for the construction of our navy, which requires that parliament shall be summoned in order to determine what shall be done with our ships in case of war.

And the British authorities have just as clearly assented to the validity of the Canadian claim. They have done so in the following ways:

(1) By leaving unchallenged the answer of Canada and Australia to the request of the Colonial Defence Committee, at the Colonial Conference of 1902, for

> "Some assurance as to the strength of the contingents which they should be able to place at the disposal of His Majesty's government for extra-colonial service in a war with a European power."

The answer was that the matter would be considered "when the need arose"; and to this Mr. Chamberlain made no suggestion of legal or constitutional obligation.

(2) At a sub-conference "on the naval and military defence of the Empire" 1909, the main point agreed to was

> "That each part of the Empire is willing to make its preparations on such lines as will enable it, *should it so desire*, to take its share in the general defence of the Empire" (*c*).

(3) In his reporting to the House of Commons the result of the sub-conference, Mr. Asquith said:

> "The result is a plan for so organizing the forces of the Crown wherever they are, that while preserving the complete autonomy of each Dominion, *should the Dominions desire to assist in the defence of the Empire in a real emergency*, their forces could be rapidly combined into one homogeneous imperial army" (*d*)

There was not, at this sub-conference, the slightest suggestion of legal or constitutional obligation on the part of the Dominions.

(*a*) Ante, p. 110.
(*b*) Ante, p. 110.
(*c*) Cd. 4948, p. 19. See also p. 38.
(*d*) Ibid. p. 19.

(4) At the Imperial Conference of 1911, it was agreed and declared that:

"The naval services and forces of the Dominions of Canada and Australia will be *exclusively* under the control of their respective governments" (*a*).

If further evidence upon this point be necessary, reference may be made to the valuable work *Responsible Government in the Dominions*, written by Mr. A. B. Keith of the Colonial Office, in which, when discussing the right of a Governor-General to place colonial troops under a British officer he said (p. 198) that such

"doctrine would involve the theory that the imperial government could insist on colonial forces taking part in a war, a doctrine opposed to the fundamental principles of self-government, which *leaves to a colony to decide how far it will participate in wars due to imperial policy.*"

It is perfectly clear therefore: (1) That Canada has officially asserted her freedom of action in case of a British war, and (2) that the United Kingdom has assented to the constitutional validity of the claim.

Uncertainty Nevertheless: But the absence of constitutional obligation to take part in British wars does not relieve us from uncertainties, of two kinds, attributable to our anomalous relationship with the United Kingdom. First, the general and popular view of our obligation is the precise contrary of that which I have indicated, and it is extremely unlikely that under the foolish excitements of declared war, the voice of reason will have any chance of being heard. We are free; but many of us believe that we are bound by moral as well as constitutional ties, no matter what the character of the war, and we shall probably act accordingly. Secondly, although we may wish to be non-combatant, the enemy of Britain may (as she would have a perfect right to do) treat us as belligerent, and, by attacking, force us into hostilities (*b*).

The effect, then, of our anomalous relationship with the United Kingdom is that we may at any moment be involved in a war in which we have no direct interest; and although we have, in one view, a perfectly legal and constitutional as well as moral right (*c*) to remain non-combatant, in another view, it is very doubtful whether we should ever be able to do it.

(*a*) Cd. 5746–2, p. I.
(*b*) Cf. ante, p. 78.
(*c*) Material for opinion as to our obligation from a moral point of view may be found, ante pp. 32–48.

Our Needs.

We have considered the situation from the point of view of our obligations and have found that, although we have none, we may get into plenty of trouble because of them (Our case is as anomalous as that). Let us look at the subject from the point of view of our needs—our needs unencumbered by these unreal obligations. For we must remember that if we are under no obligation to assist the United Kingdom in case of war, she, on the other hand, is under no obligation to assist us. Under those circumstances, what are our needs?

The answer to the question is not I think difficult, for very clearly, a navy would be of little service to us in case of war with the United States (the fighting would be on land); and, very fortunately, we have no other neighbors to quarrel with. It is in the last degree improbable that we should find ground for war-contest with trans-Atlantic or trans-Pacific nations. Past wars have been due to religious, dynastic or territorial quarrels. With far-off nations we shall never be at issue upon any of these grounds, and we need have no apprehension of an unprovoked war of mere conquest.

Why do I say so? Because of the Monroe Doctrine? Are we mean enough to shelter ourselves under Yankee bluster? Patience a moment and let me explain. The Monroe doctrine has a wrong name. It should be called the Canning policy, for to that great Englishman—George Canning— are we indebted for one of the most beneficial of all principles regulative of international relations. Observe its origin. The Spanish colonies in America were in revolt; Spain, herself enfeebled by French aggression, was powerless to enforce obedience; and the Holy Alliance (with France as chief executioner) was preparing a partition of American territories among its members. To the United Kingdom the prospect was full of menace and danger. Not long ago she had lost the best of her American possessions, and she viewed with consternation the threatened aggrandisement of all her rivals. Unaided, she was powerless to oppose the designs of France, Russia, Austria and Prussia, and it was with the greatest difficulty, and only after the most persistent effort that Canning was able to persuade Monroe to send to Congress his famous message (23 December, 1823). It had the desired effect. The United Kingdom was safe.

But for the Canning policy, what would have been to-day the situation in this hemisphere? Do you imagine that Mexico would be without naval protection? that Costa Rica would be without an army—that, indeed, by this time, there would have been a Costa

Rica? and that Canada could devote almost her whole revenue to material development? George Canning's achievement has far outrun his conception or intention. For his own country's safety he prevented the aggrandisement. That was his sole purpose. But the effect of his act has been to separate the Americas from European conflagrations. Those who know their earlier history can alone appreciate the value of Canning's service to the peoples of this hemisphere, Mexico, Costa Rica, &c. To the oft-repeated assertion that we ought not to depend upon the United States, the proper reply is that Canning saw no humiliation in community of interests with the United States or in co-operation in support of them.

But is it not possible that some nation may flout the Canning policy, and attempt the occupation of Canada? No. No nation has the strength, and no nation is sufficiently foolish to make the attempt. Canada will never have to appeal to the Canning policy. The fact that it has existed, and has been accepted and acted upon for nearly ninety years, and the fact that not only the United Kingdom and the United States are as much or more interested than ever in maintaining it, but that the whole hemisphere is now fairly well occupied by nations who would enthusiastically combine in upholding it—these facts make attack with a view to occupation impossible. The Canning policy is not our defence; it is our guarantee that defence shall not be necessary.

The suggestion has been made that Germany is seeking territorial expansion, and that if she could only dissipate the British fleet, she might turn Canada into an Alsace-Lorraine. Germans are not lunatics. If they shall ever be in a position to occupy any part of the King's dominions, they will go to Africa or India. They will not add the nations of America to the list of their European enemies. They will pursue the line of least resistance. Surrounded by armed nations, Germany will never attempt the subjection of any part of the Americas. If she did, what do you imagine would be happening in Europe? If the British fleet is our sole protection against German occupation, what is it that protects the Argentine Republic?

When I say that, apart from her association with the United Kingdom, Canada is in no danger of over-sea attack, I do not mean, of course, that such attack is beyond the bounds of possibility. Huxley once said that a crocodile with a tail a hundred miles long was not an impossibility. All that I do say, is that the chances of it are remote; that its possibility belongs to a world-situation entirely different from the one in which we live; and that for these reasons it would be foolish to make extensive arrangements for war,

or to provide for conditions the character of which we are quite unable to foresee or forecast. Our expenditure ought to be governed by the probable and the natural, and not by the unlikely possible.

Summary.

The following propositions result from what has been said:

(1) The political relations between Canada and the United Kingdom are anomalous. Theoretically Canada is a part of the British Empire. Really she is not.

(2) Canada is under no legal, constitutional, or moral obligation to assist the United Kingdom in case of war.

(3) Nevertheless Canada may be involved in British wars in which she has no direct interest:

(*a*) By her own choice, influenced by the existence of the anomaly, or

(*b*) At the discretion of the enemy.

(4) Apart from our association with the United Kingdom, we are not in need of a navy.

(*a*) It would be of no practical service against the United States.

(*b*) We are in no danger of over-sea attack.

What Ought to be Done?

Readers who agree with what has been said will see that our proper course of action is very clear. If it be true that our embarrassment is due solely to the anomalous character of our political relationship with the United Kingdom, undoubtedly we ought to seek relief by removing the anomaly. At present, as I have frequently pointed out, we have no arrangement with the United Kingdom for co-operation in case of war. The only agreement that we have is that each of the Associated Kingdoms will

"make its preparations on such lines as will enable it, *should it so desire*, to take its share in the general defence . . . ." (*a*)

But every kingdom is free to do as it pleases. The situation is, I repeat, both foolish and dangerous. Shall we or shall we not under

(*a*) Ante, p. 147.

all circumstances, take up the quarrel of any one of us? Why not settle the question?

The anomalous ought to be ended. Our nationhood must not only be real, but must be acknowledged. Our political situation and relationship must be clear. And when we undertsand it, we shall consider more carefully, if less anxiously, our attitude towards world-affairs. We shall probably endeavor to enter into some reasonable agreement with the others of His Majesty's dominions, and our naval policy will be appropriate to our obligations.

Some of my readers will not accept my presentation of our obligations and our needs, and they will have little patience with my analysis. They will refuse to discuss legal and constitutional points. They would strike the words "*should it so desire*" out of the resolution of the conference. They would cheerfully pledge themselves to join in any war in which the United Kingdom might ever be engaged. And if you were to ask them if they would fight not merely for the United Kingdom but for Japan, if the United Kingdom had to implement her treaty with that country, they would answer with an emphatic affirmative.

But they should remember that in Canada there are very many people who do not share their enthusiasm. They must be aware that a large majority of Canadians would not agree to strike out the words "should it so desire"—would refuse to give an absolutely unconditional and unqualified guarantee of assistance, and they, therefore, must agree that the only rational course is to discuss the matter with our associates, and to endeavor to arrive at some satisfactory conclusion.

Although the course of action just suggested (the removal of the anomaly and the uncertainty) is unquestionably both proper and reasonable, perhaps we may quite safely assume that it will not be adopted. Our nationalism, although real, is too recent for acceptance in all its logical results. After the war of American independence, and the treaty-acknowledgment of that independence, the United Kingdom was unable for a time to think of the Americans as other than colonials, or to treat them as forming a sovereign nation. Very many people do not as yet recognise the fact that we have sole control over our actions, and that if the United Kingdom wishes to count upon our war-assistance she must come to some agreement about it. Probably, therefore, no attempt at agreement will be made. Probably the anomalies and uncertainties of the present situation will for some time continue.

Meanwhile, then, what ought we to do? Some of our people object to the construction of a navy. They urge that the only wars in which we shall be interested will be British wars—wars in which Canada will have no direct interest; that we are under no obligation to assist in such wars; that if we do take part in them, we can do so more effectively (as in the Boer and other wars) by sending our men, than by contributing ships to the already all-powerful British navy; that in such wars the obligation to protect the trade routes would rest upon the United Kingdom; and that whether or not that obligation is acknowledged, her necessities would compel her to protect wheat ships, whether they sailed from Canada or Argentina.

Other Canadians argue otherwise. Occasionally they base themselves upon legal obligation. More frequently they declare that Canada's safety depends entirely upon the British navy. And not seldom, do they decline all discussion, contenting themselves with references to the Union Jack.

I have already indicated my views upon the debatable points in issue between these two classes of Canadians. My opinion upon them is altogether with the no-navy men. But while accepting their arguments, there is a further point to be considered before we can agree with their conclusion.

Consider the following: When negotiating the recent Declaration of London, the United Kingdom endeavored to obtain general prohibition of the practice of conversion of merchant-vessels into war-ships (except at a port of the proprietor nation). She was unsuccessful, and the actual situation is that immediately upon the out-break of war, fast commercial vessels may come into action in all parts of the world. While the supremacy of the British navy lasts, no foreign war-ships will block the trade routes, but raiders and commerce-destroyers may pursue their guerilla depredations indefinitely.

Let me dwell a little upon this point, for it was the main factor in the conversion of Australia and the British Admiralty from the idea of colonial contributions to the British navy, and of their adoption of the Canadian idea of separate navies.

Mr. Chamberlain (in this, as in his other schemes, opposed to colonial enfranchisement) pressed for contributions, and at the Colonial Conference of 1902, presented a document issued by the Admiralty entitled: "Memorandum on Sea-power and the

Principles involved in it" (*a*). From it I quote the following extraordinary paragraphs:

"In the foregoing remarks the word *defence* does not appear. It is omitted advisedly because the primary object of the British navy is not to defend anything, but to attack the fleets of the enemy, and, by defeating them, to afford protection to British Dominions, shipping and commerce. This is the ultimate aim. To use the word *defence* would be misleading, because the word carries with it the idea of a thing to be defended, which would divert attention to local defence, instead of fixing it on the force from which attack is to be expected."

In support of this view, the First Lord of the Admiralty (Lord Selborne) appeared at a meeting of the Conference, and said that

"The real problem which this Empire has to face in the case of a naval war is simply and absolutely to find out where the ships of the enemy are, to concentrate the greatest possible force where those ships are, and to destroy those ships. . . . It follows from this that there can be no localisation of naval forces in the strict sense of the word. . . . I want to see from all parts of the Empire a personal contribution to the navy. . . ." (*b*).

That doctrine might be good enough to apply to the colonies, but for its application to British coasts, let me refer readers to the handbook of the Navy League for the same year as the Conference (1902):

"There should always be an effective reserve squadron, *absolutely confined to home waters*, sufficient to hold the channel and protect the coasts and commerce of the United Kingdom, *in addition to the coast defence ships* which would be required for active local defence."

The Editor added:

"The experience of the Spanish-American war has shown that public opinion will always clamor for a home squadron. We had a squadron in the channel all through the Trafalgar campaign."

Nelson went into the Mediterranean and over to the West Indies "to find out where the ships of the enemy" were, but the channel fleet never left British shores, for fear that the ships of the enemy might after all be in the North Sea and not in the Carribean.

Nevertheless, Mr. Chamberlain had some success at the Conference. Colonial contributions were increased, but colonial feeling was rising, and in the following year Senator Matheson of Australia in a notable address at the Royal Colonial Institute, vigorously attacked

(*a*) Cd. 1299, p. 54; and see Cd. 1597.
(*b*) Proceedings, p. 15.

the Selborne idea. He quoted as against the First Lord, the opinion of Sir George Clarke:

"Small expeditions directed, not to effect territorial conquests, but to destroy national resources, may nevertheless, as in the past, evade a superior navy. Such expeditions are of the nature of raids."

The truth of this statement is, of course, perfectly obvious, and at the next meeting of the Colonial Conference (1907), it was accepted as a basis for the reconsideration of the contribution method of defence. The new First Lord (Tweedmouth) said:

"In the opinion of the government, while the distribution of the fleet must be determined by strategical requirements of which the Admiralty are to judge, it would be of great assistance if the Colonial Governments would undertake to provide for local service in the imperial squadrons, the smaller vessels that are *useful for defence against possible raids* or for co-operation with a squadron; and also to equip and maintain docks and fitting establishments which can be used by His Majesty's ships. It will further be of much assistance, if coaling facilities are provided, and arrangements can be made for a supply of coal and naval stores which otherwise would have to be sent out specially or purchased locally.

"I understand that in Australia, it is desired to start some naval service of your own. Perhaps I might suggest that if the provision of the smaller craft which are necessarily incident to the work of a great fleet of modern battleships could be made locally, *it would be a very great help to the general work of the navy.* You cannot take the small craft, such as torpedo boats and submarines, across the ocean; and for warships to arrive in South Africa, or in Australia, or in New Zealand, or in Canada, and find ready to their hand well trained men in good vessels of this kind, would be an enormous advantage to them. It would be an enormous advantage to find ready to hand, men well trained, ready to take a part in the work of the fleet. There is, I think, the further advantage in these small flotillas, that they will be *an admirable means of coast defence; that you will be able by the use of them to avoid practically all danger from any sudden raid which might be made by a cruising squadron* (a)."

In Mr. Deakin's speech may be found the following:

"The Committee of Imperial Defence, after giving this question full consideration, have decided that *a regular attacking force is not to be anticipated in our Antipodean situation under any circumstances that it is necessary to directly provide for in advance. They look forward to the possibilities of a raid, consisting in all likelihood of some four fast half-armored or partly armored cruisers,* carrying forces of from five hundred to, at the outside, one thousand men. Even an expedition of those small dimensions, calling for a very considerable provision in the way of fuel and other arrangements, would make only a transitory dash for our ports and our shipping, rather than a series of prolonged attacks. But whatever the nature of the assault is to be, its possibility leaves the large population of our sea-bound states with a sense of insecurity, emphasised

(a) Proceedings, pp. 130,-1.

by the probability of the withdrawal of the squadron some thousands of miles away to deal with the expected enemy there. Consequently the demand for some harbor and coast defence has been pressed upon the minds of the people in general, and has been lately several times considered in parliament. *It is thought that while it may be the best possible naval strategy to withdraw the squadron to remote portions of the seas surrounding Australia, the contingency of our being raided, even by a few cruisers, and of our commerce being driven into the harbors or destroyed or enclosed in the harbors, is not one that a community ought to contemplate unmoved" (a).*

I have quoted enough for proof of the point that I am endeavoring to make. I now turn to those Canadians who oppose the creation of a navy, and I submit to them whether, notwithstanding their arguments (with which I agree) some defence against sea-raiders is not necessary. We have no control over the making of war. We may be in it, and the enemies' depradators may be at work next week. Ought we, or ought we not, to provide for such an eventuality (*b*)?

Contribution or Construction.

What has just been said has close relation to the question whether we ought to make contributions to the British navy or to undertake for ourselves the construction of war-vessels. But as that question cannot be adequately argued in the absence of considerations supplied by the history of the subject, let me give a short sketch of it.

Australia has always been anxious about the ownership of the islands which cloud her northerly and easterly coasts. Had she had her way, they would all be British. Now they belong to everybody—the ownership of one of them, New Guinea (almost within gunshot of Australia) is divided between Australia, Germany and Holland; and the sovereignty of the New Hebrides group is shared with France. Australia has, therefore, some reason for her anxiety about naval protection, and none the less because her own huge, unoccupied areas may tempt the rapacity of nations needing space. The insecurity of her position forms a strong contrast to the safety of the Canadian situation.

(*a*) Proceedings, p. 474.

(*b*) Since writing the above, the following telegram from Australia has appeared in the newspapers:—"Grave concern is felt throughout the Commonwealth over the assertion that all overseas vessels subsidized by foreign countries are easily convertible into commerce destroyers in war time. Private advices received in this country state liners flying the German flag are especially equipped for this contingency. As a result of this feeling of apprehension a resolution has been moved in the Federal parliament to the effect that action be taken forthwith to discourage such shipping from trading in Australian waters. Premier Fisher said: 'We say most emphatically that ships of other nations which come to trade in our waters must not presume too much on our good nature and equip themselves so that they may act as ships of war upon the declaration of hostilities'—words which were greeted with ringing cheers. The resolution was finally withdrawn."

As early as 1882, Australian defence was considered by a royal commission under the presidency of Lord Carnavon (*a*); and in 1886, Admiral Tryon carried on negotiations with the governments of the Australasian colonies with a view to the increase of the Australian squadron at joint expense. No agreement was arrived at, and the subject was relegated to the Colonial Conference of 1887.

That Conference was held primarily for the purpose of considering the question of defence; and with a view of putting the colonial premiers in proper frame of mind, the British Prime Minister remarked at the opening meeting that:

"The English colonies comprise some of the finest and most desirable portions of the earth's surface. The desire for foreign and colonial possessions is increasing among the nations of Europe" (*b*)

Actuated by such considerations, Australia entered into an agreement with the British Government by which five cruisers and two torpedo gunboats were to be added to the Australian squadron; that these vessels should be retained "within the limits of the Australian station"; that they should be removed only "with the consent of the colonial Government"; and that, of the cost involved, the colonies should pay not more than £126,000 per annum. This was the commencement of what has been called colonial contributions to the British navy. It was an agreement for defence by so many ships for so much money. The ships were provided and the money was paid. Canada had no anxieties about her defence. She made no complaint of exposure to attack. And having no agreement for protection she paid nothing for it.

At the conference of 1897, Mr. Chamberlain pressed for further contributions to the British navy. He got £30,000 per annum from Cape Colony, and a continuation of the Australasian agreement. To Canada he addressed the following argument:—

"Now let it not be supposed for a moment that I suggest as probable—I hardly like to think that it is even possible—that there should be a war between Canada, or on behalf of Canada, either with the United States of America, or with any of the other powers with which she may come into contact; but, what I do say is this, that if Canada had not behind her to-day, and does not continue to have behind her this great military and naval power of Great Britain, she would have to make concessions to her neighbors, and to accept views which might be extremely distasteful to her, in order to remain permanently on good terms with them. She would not be able to, it would be impossible that she should, herself control all the details of her own destiny; she would be to a greater or less extent, in spite of the bravery of her population and the patriotism of her people, she would still be, to a great extent, a dependent country" (*c*).

(*a*) Col. Confer. of 1887, p. 295.
(*b*) Proceedings, p. 6.
(*c*) Ibid, p. 8.

There is a certain amount of validity in that argument, and it might (if we felt sufficiently impressed by it) be a reason for adding enormously to our land forces, although clearly, not for contributing to the British navy. But we are not sufficiently impressed—partly, perhaps, because we have been taught by British policy that we must expect to have to accept views that are quite distasteful to us, and partly because such views are not likely to be very fateful. Mr. Chamberlain spoke in 1897. Six years afterwards we had to accept Lord Alverstone's views of our dispute with the United States, and (speaking, of course, merely for myself) I should much rather, without having had behind us the "great military and naval power of Great Britain," have acceded at once to the United States demands than, with a pretence of the possession of such power, have been compelled not only to suffer loss, but to attribute it to the weakness of a British government and the treachery of an English judge. And who would not rather have withdrawn our sealing-ships from the Pacific because the United States demanded it, than because the British navy helped the American cruisers to chase us from the open seas? Mr. Chamberlain's argument at the Conference had, quite naturally, no effect upon Canada. We were not haunted with fear of the United States. We knew that we might have disputes with our neighbors, but we knew pretty well what would become of them.

In 1902, Mr. Chamberlain was still more insistent. He had expended over $1,250,000,000 in the Boer war, and he upbraided us for not contributing more than we did. Again he reminded us of our danger, and presented a memorandum from the Admiralty, which contained the following very remarkable statement as to what our position would be if we had not the British navy behind us:—

"The Dominion of Canada would have to frame its naval policy with a view to the navy of the United States" (*a*).

We should, of course, do nothing of the kind, for our danger would be along the boundary line and not on the ocean. With the other colonies, Mr. Chamberlain's arguments had, for obvious reasons, very much more effect, and his efforts were rewarded with agreements to pay the following annual contributions:

Cape Colony	£ 50,000
Australia	200,000
New Zealand	40,000
Natal	35,000
Newfoundland	3,000

a) Proceedings, p. 19.

For the next five years, Canada had to suffer contumely and insult because she was the only self-governing colony that declined to depart from her traditional line of national development, and to become a purchaser of defence. The next Conference (1907) brought her completest justification. By that time experience had worked the conversion not only of Australia, but of the British government, and the Admiralty itself. They all agreed that Canada was right. Mr. Deakin (Australia) said:

"Australia's responsibility (for naval defence) is now fixed on a monetary standard; and we submit that this is not the most acceptable standard for Australia, nor is it likely to further the objects that we have, or the objects that you have, in maintaining the present contribution" (*a*).

"In Australia, for reasons which have already been put on record in the despatch which I had the honor of addressing to the Admiralty about two years ago, *the existing contribution has not proved generally popular.* It was passed because it was felt that some distinct recognition of our responsibility for the defence of our own country, and of the Empire of which it is a part, was necessary, and though it did not take the form which commended itself most to the very large minority, possibly even a majority of the electors, we accepted that mode of co-operation until some better presented itself. *Further consideration has convinced the public that the present agreement is not satisfactory either to the Admiralty, the political or professional Lords of the Admiralty, or to the parliament of the Commonwealth*" (*b*).

Mr. Moore (Natal) said:

"But I do trust that the Admiralty will meet us in getting that contribution made more in the direction which I have tried to indicate than by simply *a cold lump sum, voted on our estimates, for which we have no actual evidence as directly concerning the people we represent*". (*c*).

General Botha (Transvaal) said:

"I think that at present we are so constituted in the Transvaal that we shall find it difficult to make a contribution to the navy by way of a money payment"(*d*).

Lord Tweedmouth (the First Lord) spoke of the advantage derivable from the change of plan:—

"You cannot take the small craft, such as torpedo boats and submarines, across the ocean; and for warships to arrive in South Africa, or in Australia or in New Zealand or in Canada, and find ready to hand well-trained men in good vessels of this kind would be an enormous advantage to them. It would be an enormous advantage to find ready to their hand, men well trained, ready to take

(*a*) Ibid, p. 132.
(*b*) Ibid, p. 473.
(*c*) Ibid, p. 146.
(*d*) Ibid, p. 147.

part in the work of the fleet. There is, I think, the further advantage in these small flotillas, that they will be *an admirable means of coast defence; that you will be able by the use of them to avoid practically all danger from any sudden raid which might be made by a cruising squadron*" (*a*).

All this speaks for itself and is, I think, conclusive upon the question whether we should send a cheque each year to the Admiralty or should construct ships of our own. I do not dwell upon the other considerations leading to the same conclusion—namely, those based upon the beneficial effect upon our national life and so on. They are sufficiently familiar. The argument which I present is the one based upon experience.

What Sort of a Navy?

If we are to have a navy, the only remaining question is as to its character. But that is a matter rather for the experts than for me. At the same time, I may be permitted to say that the considerations to which I have alluded seem to support the conclusion at which the Admiralty and our government have arrived.

I trust that what I have said may be of assistance in the formation of correct judgment upon this very important question. If I had any doubt as to the propriety of the course which we have adopted, it would be overwhelmed in my gratification at its splendid significance as an assertion of our nationhood. Nothing can more clearly and conspicuously evidence sovereignty than war-ships flying the flag of their country. By the direct order of our King, our navy is to be known as THE ROYAL CANADIAN NAVY. It is a Canadian navy. It is not a part of the British navy, although it may, when necessity arises, co-operate with the ships of the white ensign. Unless at any time otherwise ordered by ourselves it is to remain "exclusively under the control of Canada." And at the jack staff of every ship is to be flown "THE DISTINCTIVE FLAG OF THE DOMINION" (*b*).

Mr. Arthur J. Balfour.

Although not perfctly pertinent to the subject under discussion, I cannot refrain from reproducing a sentence recently spoken by Mr. Balfour:—

(*a*) Ibid, p. 131.
(*b*) Cd. 5746–2, p. I.

"I BELIEVE, FROM A LEGAL POINT OF VIEW, THE BRITISH PARLIAMENT IS SUPREME OVER THE PARLIAMENT OF CANADA OR AUSTRALASIA, OR THE CAPE, OR SOUTH AFRICA. BUT IN FACT, THEY ARE INDEPENDENT PARLIAMENTS, ABSOLUTELY INDEPENDENT —(cheers)—AND IT IS OUR BUSINESS TO RECOGNIZE THAT AND TO FRAME THE BRITISH EMPIRE UPON THE CO-OPERATION OF ABSOLUTELY INDEPENDENT PARLIAMENTS" (*a*).

In Canada we reserve our cheers, I am afraid, for anti-imperialism and anti-Americanism. We do not sufficiently realize that absolute independence is but the affirmative corollary of these negatives. In England (as I have before remarked) the position is much better understood; and, it is a splendid encouragement to Canadian nationalists that the generous cheers which followed Mr. Balfour's assertion of the parliamentary independence of Canada should have come from the country which waged war against the asserted independence of the other British-American colonies.

Upon another occasion Mr. Balfour said:—

'It is a matter of common knowledge—and, may I add, not a matter of regret, but *a matter of pride and rejoicing*—that the great Dominions beyond the seas are becoming great nations in themselves." (*b*).

Thank heaven, the voice of imperialistic disparagement of Canadian efficiency, and Canadian nationhood, is rapidly failing. Ere long there will not be a single Canadian who will refuse to join in his British brother's acclaim of that, which to every subject of the King, ought to be, and will be "A MATTER OF PRIDE AND REJOICING."

JOHN S. EWART.

Ottawa, December, 1911.

(*a*) *Times*, 1 Feb., 1911.
(*b*) House of Commons, 21 July, 1910.

TWO DIFFICULTIES IN THE WAY OF INDEPENDENCE(a).

NE TEMERE DECREE.

(In order to draw attention to the purpose for which quotations are employed, italics not appearing in the original, are sometimes made use of.)

ADVOCACY of Canadian independence would be very much simplified if two difficulties could be got out of the way—difficulties which one would think ought not to exist. One is the confusing vagueness of imperialistic claims; and the other is unfamiliarity with the conception of two independent kingdoms acknowledging allegiance to the same king.

I desire in the present address, to do what I can to remove these difficulties. I want, in the first place, to make clear that we have not, as the language of imperialists sometimes gives occasion to think, any proposal with reference to Canada's political future, except independence; that although some years ago imperial federation was held out to us as a possibility, no plan of federation ever was or ever could be produced; that the association formed for the advocacy of federation dissolved; that it was reformed as a federal defence society; that it has abandoned federation altogether, and adopted the nationalistic idea of co-operation; that there is now nothing left but the vaguest and most incoherent of invocations of *the spirit* of imperialism; and that some of the very best of imperialists are actually looking to nationalism as a necessary prerequisite of the realization of their larger ideals.

I want to prove this, but not merely by my own assertions or arguments. I have recently had a debate in the magazine of the Royal Colonial Institute, *United Empire*, with two notable imperialists (Mr. Ellis M. Cook, and Mr. Richard Jebb). I shall read to you as much of that debate as relates to the subject I have now in hand, and I shall ask you to judge for yourselves of the validity of my assertion as to the vagueness of imperialistic claims. I shall

(a) A modification of this Paper was delivered as an address to the Canadian Club of St. Catharines on 22nd January, and to the Canadian Clubs of Montreal and McGill University on 5th February, 1912.

give you what can be said upon both sides of the subject, and I shall enable you to ascertain for yourselves, in that best of ways, whether imperialists present to us any alterative to independence. Afterwards I shall deal shortly with the second of the difficulties to which I have referred.

But first let me explain why it is that the first of these difficulties forms a real obstacle to the acceptance of independence. Attention to the line of nationalistic argument will reveal the reason. It is as follows:

(1). Nationalists and imperialists agree that our present situation is ignoble and insupportable. Splendid Canada in colonial garb—stalwart Jack in baby clothes, is ridiculous and shameful. The chiefs of Canadian imperialism are not a whit less sensitive about humiliation of that sort than I am. Dr. Parkin has said:

"If the greater British colonies are permanently content with their present political status, they are unworthy of the source from which they sprang"(*a*).

Professor Leacock has said:

"The colonial status is a worn-out, by-gone thing. The sense and feeling of it has become harmful to us. It limits the ideas, and circumscribes the patriotism of our people. It impairs the mental vigor and narrows the outlook of those who are reared and educated in our midst" (*b*).

And Mr. C. A. Magrath whose imperialism, he says, is to him a religion, declared the other day that:

"The existing situation is an impossible one, in that the representatives of the British Isles may, at any time, plunge the others into difficulties with foreign powers" (*c*).

(2). Founding ourselves upon this agreed basis, nationalists proceed to the second proposition of the argument. We urge that change ought to proceed along the line of previous evolution, and, in accordance with all previous advancement, by taking another step along the road which Canada has always travelled. One hundred and fifty years of steady, persistent, unswerving progress along that road has brought us to a position of practical independence. Our self-control is only nominally and theoretically incomplete. We have our own army, our own navy (or a beginning of it), and our own flag on the jack staff. In foreign affairs, as well as with reference to internal government, our freedom is not only ungrudgingly admitted by the British government and by all British statesmen, but it is proclaimed (as by Mr. Balfour) as "*a matter of pride and rejoicing*" (*d*).

(*a*) *Imp. Fed.*, page 12; and see page 31.
(*b*) *University Mag.*, 1907, page 133.
(*c*) *Montreal Star*, 29 January, 1912.
(*d*) Ante, page 161.

Any change in our constitutional relationship, I say, ought to be along the line on which our development has always proceeded.

Very little attempt to contravene this second proposition in the nationalist argument is made by imperialists. Some Canadians among them do not, indeed, applaud as heartily as they should (and as Mr. Balfour does) the fact that (to use his language),

> "The great Dominions beyond the seas are becoming great nations in themselves" (*a*).

but whether these men like it or not, the fact is too palpable and too popular for dispute.

(3) The last stage of the argument, or rather the deduction from the previous premises is so perfectly inevitable that opposition to it would seem to be impossible. For if our present position is unbearable; if change ought to proceed along the line of previous development; and if that development has already reached completion from a practical point of view, no one surely can object to the conformity of theory to fact, more especially when, by that simple means, our country would attain the rank and station in the world to which her greatness and her achievements have so amply entitled her.

The argument for independence, then, seems to be very simple and very complete. Let us now consider the first of the two difficulties which it encounters.

For some years a large number of persons advocated closer political incorporation of the United Kingdom and Canada in what they called an "imperial federation". The idea was utterly visionary, and perfectly impracticable. Its very name was a contradiction, for the adjective, *imperial*, connotes a relationship of dominant and subordinate states, while the noun, *federation*, connotes a relationship of equality. Its supporters, although frequently challenged, never attempted to reduce it to the form of an intelligible plan. And the notion has now been definitely abandoned by the only association formed for its advocacy. The Imperial Federation League has become The Imperial Co-operation League. It is on the right line at last. Let me quote, in this connection, the language of a celebrated imperialist—Sir Gilbert Parker:

> "With the greater facilities of our modern times and our close touch due to science and swift transportation, parliamentary federation *seems further off* than it was then. Old federationists like Joseph Howe, and James Service, and

(*a*) Ibid.

Harris Hofmeyer *were great dreamers,* and they thought they saw in the confederation of the scattered provinces of Canada a formula for the constitutional union of provinces still more scattered, with the United Kingdom as a centre. Time and closer analysis of the problem, together with experience, the most valuable of all solvents, have shown that imperial union on the lines of an imperial parliament has difficulties too great, and, in reality, advantages too few to permit of the fulfillment of the great constitutional dream" (*a*).

Imperial Federation is finished, but the effect of a very capable, very persistent, and very enthusiastic advocacy of it still continues. Former adherents cannot be expected easily to accept independence, when for years they argued in favor of "imperial federation." Some of those persons will always be federationists, and will continue to promise us that some day some marvellous man will arise, who, with clearer vision and stronger sense, will show us that the utterly impracticable has always been perfectly feasible.

Argument against faith in future manifestations and revelations, is, of course, futile, and I shall not attempt it. The believers, moreover, have my unfeigned respect. At the root of their faith is strong British sentiment—a sentiment which I would be the last to decry, for it is one which I share. It is a feeling founded upon common ancestry, language, customs, literature and achievements. All that I urge upon these men is that that sentiment would not be outraged, but on the contrary would be augmented and enlarged by another great victory in British constitutionalism; by the happy termination of another long line of developmental activity similar to that which produced the British parliament itself; by the consummation in nationhood of our own political evolution; by Canada's attainment of international rank. Sentiment might, conceivably, (but only conceivably), have prevented our abjuration of British control—have inhibited at the outset all desire for self-government—but it cannot require us to refrain from declaring that we have obtained that for which we have always struggled, and at last won.

I argue, then, not with the adherents of the lost cause, but with those who are as yet uncommitted, and it is with them in mind that I refer to the vagueness of imperialistic claims—to the disinclination of imperialists to define themselves as a difficulty in the way of independence.

The difficulty is this. Although there is now, in reality, but one proposal before the public with reference to the political future of Canada, imperialists continue to give the impression that there are two. Nationalists, indeed, nag at them, wanting to know what is the

(*a*) *Can. Ann. Rev.*, 1910, p. 83.

other one: but the only reply is "imperialism"; and all that further pressure can produce is either vague language, which may be understood as referring to "imperial federation" (*a*); or the still more unsatisfactory statement that the imperialism advocated is something which cannot properly be described by the word *imperialism* at all (I shall read that to you); or a declaration of firmest belief that the resources and powers of British statesmanship may be depended upon to make due revelation to us at some appropriate period. Assertions and appeals of these kinds are, I regret to acknowledge, well calculated to mislead, and keep unsettled, people not familiar with the history of the imperial federation movement, and not aware of the reasons which predetermined its failure. I recognize in this vagueness and uncertainty a real obstacle to the acceptance of independence. I now give you extracts from the debate; and I have to ask you as I proceed to be forming your own judgments as to the character of imperialistic claims—to ascertain whether imperialists offer us any alternative to independence.

Mr. Ellis M. Cook's Article.—"The very first point that strikes us, then, in these pamphlets is that Mr. Ewart himself (in No. 1) begins by demonstrating (page 4) that Canada has 'fiscal independence, legislative independence, and exclusive independence.' Her complete judicial independence she could secure if she wished. 'From a political standpoint Canada is diplomatically independent.'

"Mr. Ewart goes on to show that this state of affairs is not only recognized but welcomed by the principal leaders of affairs in Britain. Why, then, should Canadians feel any deficiency in their citizenship? Mr. Ewart replies, in effect, because they are still theoretically part of an empire—and empire, 'speaking precisely and politically', means subjection. Against this theory put the opposite one: that, whatever 'empire' has meant in the past, it means not subjection but partnership in the future, and that citizenship of an empire is something wider and prouder than citizenship of one isolated country. Why should we limit our conceptions by dictionary definitions or past history?

"Mr. Ewart's quarrel is chiefly with words, and he follows a good imperialist, Mr. Jebb, in suggesting alliance rather than federation, as the end and aim. But whereas Mr. Jebb reads into the word 'alliance' something more than a mere system of agreements between independent kingdoms, Mr. Ewart, unless

(*a*) As in the recent pamphlet of Mr. C. H. Cahan, K.C., entitled *Colonial Responsibilities.*

we are mistaken, reads something less. He grants us the crown, and does lip service to the throne, but his insistence on certain nomenclature is in itself suspicious. He objects to the words 'Dominions beyond the seas', saying '*We* are on this side of the seas.' His king, therefore, must have no distinction between his subjects."

"No. Whatever be the confusion of thought among imperialists, and however unscientific and lacking in precision may be their terminology, they present to any but the bigoted provincialist, a better creed than that offered by Mr. Ewart."

MR. EWART'S ARTICLE.—"For discussion of the problems involved in the political relationship between the United Kingdom and Canada, the first and most essential requisite (very obviously) is clear conception of what that relationship is. Are the two countries a part of an empire? If so, what sort of an empire is it? Or are they independent kingdoms? Or are they nominally parts of an empire, and in reality independent kingdoms? One would imagine that this would be the first point for discussion and settlement. To very many imperialists, however, (I speak with perfect knowledge) attempt at definition is not only unacceptable but irritating, and even thought to be indicative of treasonable methods of thought. From Mr. W. E. Forster, the organizer of the Imperial Federation League (1884), who said that

> 'he thought that those were the foes of the union, or at any rate sceptics and unbelievers in it, who would ask them to define then what shape federation should assume' (*a*),

down to Mr. Cook (1911), who declares that

> 'insistence upon certain nomenclature is in itself suspicious,'

the same dislike of definition pervades imperialistic preaching.

"In my Kingdom Papers I have been trying to define, for my fellow-Canadians, the relation of my country to the United Kingdom. I have been pointing out to them that in earlier days Canada was undoubtedly part of the British Empire—one of those territories ruled by the British people through the Colonial Secretary; that Canada has emerged from that subjection and, therefore, from imperialism; that she is now really (although not nominally) independent—legislatively, executively, fiscally, judicially, and with regard to foreign affairs *b*);

(*a*) A statement which reminded Lord Norton of "a prospectus in the days of the South Sea Bubble 'for an undertaking which shall in due time be revealed'."—*Nineteenth Century*, September, 1884, page 506.

(*b*) This summary should not be taken apart from the Papers which it so shortly summarizes.

that it is wrong, therefore, to describe present relationship by the word *imperial*; and that, as Mr. Powell has said (*a*), the word 'empire' in that connection is a misnomer—Lord Milner has called it 'a very unfortunate misnomer.'

"Now, although all that seems to be indisputably true, very many imperialists do not like it, and Mr. Cook replies in this way:

'Against this theory, put the opposite one: that, whatever empire has meant in the past, it means not subjection but partnership in the future, and that citizenship of an empire is something wider and prouder than citizenship of one isolated country. Why should we limit our conceptions by dictionary definitions or by past history?'

"But I have not in the least suggested limiting anybody's conception by dictionary definitions. Indeed, I was not aware that any of the dictionaries supplied definitions of conceptions. All that I have asked is that in telling us what their conceptions are, imperialists would be good enough, as far as possible, to use words in their ordinary sense. Mr. Cook tells us that in the future *empire* means not what it has always meant, but something entirely different, something, indeed, quite opposite to its former signification. Until Mr. Cook wrote, it meant subjection; now it is said to mean partnership. But we are still in the dark, for nobody has as yet heard of a political or constitutional *partnership*. The word is always used with reference to relations between individuals, and never with reference to relations between nations.

"Almost admitting the charge of indefiniteness which I make against most of the imperialists, Mr. Cook says:

'Whatever may be the confusion of thought among imperialists, and however unscientific and lacking in precision may be their terminology, they present to any but the bigoted provincialist a better creed than that offered by Mr. Ewart.'

"That may be perfectly true, but nobody can possibly tell whether it is or not until the creed is put in something approaching precise form. For some years, I have been asking for production of this creed in intelligible language. I am still asking. Of course, I shall not be satisfied with such phrases as 'imperial unity', or 'the higher and truer imperialism,' or 'some form of federation,' or the like. I ask that translation into the definite shall be made of that language."

"I have not in this article or elsewhere insisted upon 'certain nomenclature,' with a view to verbal victories. That would be both pedantic and childish. I do it because to my

(*a*) *United Empire*, August, 1911, p. 540.

mind it is very clear that dictionary contempt, in the discussion of such extremely important questions, is not only misleading, but absurd and dangerous. I believe that the relations between the countries ought to be understood; I believe that, for that purpose, precision in the use of language is absolutely essential; and I do most firmly believe that if by steady insistence upon the proper use of language (the only way of doing it) we could get well rid of the imperial idea—if we could but get into our thought and language the well-acknowledged fact of Canada's practical independence—we should do very much towards increasing the cordiality and effectiveness of that co-operation for which there is such sound basis in the unity of sentiment and ideals of the British and Canadian peoples. Imperialists keep agitated and irritated many people who, upon practical points, are not out of sympathy with them."

Mr. Cook's Second Article.—"Utilizing the opening afforded by the criticism of the 'Kingdom Papers,' Mr. Ewart expands his theories of the future relations between the United Kingdom and the daughter nations. His main ostensible objection to imperialism ranges round his assertion that the words 'empire' and 'imperial' are no longer applicable to these relations, because they connote subjection. My reply to this was that they have got to connote something else in the future; but Mr. Ewart will have none of such arguments. To him a spade is not a spade unless you call it by its proper name. 'Canada' he says 'is really (but not nominally) independent—legislatively, executively, fiscally, judicially, and with regard to foreign relations,' and yet he spends his time (as a footnote tells us) in the 'advocacy of Canadian independence.' In other words, having grasped the substance, he fights for the shadow—the elimination of the word 'empire.'

"Mr. Ewart asks that imperialists should define their creed. I speak for myself alone. My creed is a belief in the spirit which binds together what I will continue, *pace* Mr. Ewart, to call the empire. I believe that spirit to be stronger than bargains, but I know that it will have to be translated eventually into common action of some kind, and common defence must be its first expression. I believe with Lord Milner, in an 'empire consisting, no doubt, of nations completely independent in local affairs; but having certain great objects in common and capable, by these, of developing a common policy and a common life'."

MR. JEBB'S ARTICLE.

"As a proposition to be examined, imperialism must, Mr. Ewart argues, begin by defining itself in more precise terms than seems to be required by those to whom it is a creed. Even to adherents of the creed, such a demand may appear to be reasonable. Among them are some, at any rate in Britain, who at the present time are being impelled on the one hand, by tradition, to oppose 'home rule' for Ireland, and on the other, by reason, to give home rule a dispassionate consideration in the light of modern conditions. To such men home rule is not a creed but a proposition; and so they begin by asking the creed-bound home ruler to define in precise terms what he means by home rule. 'Produce your scheme' is their demand; and until the scheme is produced they retain suspicion, but reserve judgment. To that extent the attitude of some imperialists towards home rule is precisely analogous to Mr. Ewart's attitude towards imperialism.

"But this analogy, drawn for instruction, between home rule and imperialism, does not seem to hold good to the end. Mr. Ewart, obviously an ardent admirer of Sir Wilfrid Laurier, would probably call himself a home ruler if asked to reveal his sympathies in our domestic politics. But if pressed for a proposition or policy defining home rule, he would probably plead that a man can be an intelligent home ruler without having a precise scheme; that an intelligent belief in home rule necessitates nothing more than a belief that, in some form or other, Ireland should have a larger measure of control over her own affairs. At any rate, such is the attitude of very many, both here and in the dominions, who avow their sympathy with the Irish home rulers. But if Mr. Ewart concedes (as I imagine he would) that it has been an intelligent attitude for home rulers to profess a vague creed without offering a precise policy, he ought to concede that imperialists may quite reasonably maintain a like attitude.

"Adopting Mr. Ewart's Canadian standpoint, the case for imperialism may be that the only available idea which is capable of unifying the Canadian peoples is the idea of building up the Dominion as the strongest pillar of the world's best and greatest empire. If he and Mr. Cook were deputed by their respective countries to prepare a scheme of future relationship, with stringent instructions to give it neither title nor preamble, I am not sure that the conflict between nationalism and imperialism would survive the ordeal."

Mr. Jebb is one of the closest students in England of colonial affairs. He is the author of the notable works *Studies in Colonial Nationalism* and *The Imperial Conference*, and is moreover a journalist of high repute. The Editor of *United Empire* could have appealed for my overthrow to no man more competent than Mr. Jebb, whose whole article is well worth perusal. In due course I sent the Editor a reply. I was informed that a committee was considering its publication. I protested that protection of an expert like Mr. Jebb from reply would be grossly unfair. I was told that limited space prevented publication. I offered to pay all the cost of the few additional pages (the size of the journal varies considerably and runs as high as 81 pages). I was denied admission on any terms. I give you some extracts from my proposed reply.

Mr. Ewart's Proposed Article.—

"In order to prove my unreasonableness in asking for definition of imperialism, Mr. Jebb says that probably I favor home rule for Ireland.

> "But if pressed for a proposition or policy defining home rule, he would probably plead that a man can be an intelligent home ruler without having a precise scheme. . . . . But if Mr. Ewart concedes (as I imagine he would) that it has been an intelligent attitude for home rulers to profess a vague creed without offering a precise policy, he ought to concede that imperialists may quite reasonably maintain a like attitude."

"To my way of thinking, nothing can be more stupid than to discuss home rule—to be in favor of it or against it—until you and your opponent, or you and your audience, understand what it is you are talking about. I do not say that ascertainment of all the details of a home rule bill is a necessary prerequisite of discussion. I make the familiar distinction between the principle and the details—the general idea and the committee work. I want to know the outline of the proposal. If you mean such home rule as a province of Canada has, I am in favor of it. If you mean such home rule as Canada has, I am against it. The home rule controversy forms a splendid illustration of the utter futility of debate without definition.

"And if it is essential in a controversy over a subject known by a descriptive word which indicates accurately although incompletely the content of the proposal, how much more is it indispensable when the descriptive word actually *negatives* the notion supposed to be in it. By home rule for Ireland we all understand (as Mr. Jebb says) 'a larger measure of control over her local affairs.' The title words shortly summarize the general idea. Very well: now what do imperialists mean by

imperialism? I don't ask the details. I want the outlines—the category—the general idea. And so far from getting any satisfactory reply, I am told that what is meant is not anything which can be properly described by the word imperialism. Mr. Jebb appears to think that that is all that anybody need know in order to maintain an 'intelligent attitude toward the subject.' If I asked Mr. Jebb what he thought of home rule; and if he inquired what I meant by the word; and I replied 'I don't know, but I don't mean home rule' he would probably realize the difficulty which I feel in arriving at an intelligent attitude towards imperialism which is not imperialism.

"In concluding his second point, Mr. Jebb supplies me with a capital illustration of the danger of arguing at large. He says that:

> "If he (Mr. Ewart) and Mr. Cook were deputed by their respective countries to prepare a scheme of future relationship, with stringent instructions to give it neither title nor preamble, I am not sure that the conflict between nationalism and imperialism would survive the ordeal."

"Vague and incomprehensible as was Mr. Cook's language, I had not imagined that there could be any doubt as to his intention to indicate a strong objection to nationalism. Mr. Jebb, however, (a man of no mean powers) takes the contrary view. He believes that if Mr. Cook would only write out his scheme for the future relationship of the United Kingdom and Canada, he would be found to agree with me, and as I am an eager advocate of Canadian independence, Mr. Jebb evidently believes that Mr. Cook is a nationalist. If Mr. Jebb is wrong, he, at all events, has probably convinced Mr. Cook of the necessity for either definition or silence.

"But is Mr. Jebb wrong? I pressed Mr. Cook for a better creed than nationalism and he replied in customary illusive phraseology as follows:—

> "My creed is a belief in the spirit which binds together what I will continue, *pace* Mr. Ewart, to call the empire. I believe that spirit to be stronger than bargains, but I know that it will have to be translated eventually into common action of some kind, and common-defence must be its first expression. I believe, with Lord Milner, in an empire consisting, no doubt, of nations completely independent in local affairs, but having certain great objects in common, and capable, by them, of developing a common policy and a common life."

"If that is the best definition Mr. Cook can give of his imperialism, I admit a possibility of the correctness of Mr. Jebb's diagnosis. Except for the misuse of the word *empire*, there is nothing in the creed about imperialism or even suggestive of it. On the contrary, the creed sounds very like the customary after-

dinner interchange of platitudinary sympathies between representatives of the United Kingdom and the United States; and but for a lawyer-like objection to a word or two, nationalists would readily subscribe it. Possibly Mr. Jebb is right, but I shall hold to my own opinion until Mr. Cook shall tell us which has made the better guess."

This closed the debate. I make no comment upon it. I leave it with you and merely suggest the questions: (1) Is Mr. Jebb right in thinking that Mr. Cook would agree with me as to the future relationship between the two countries? (2) Does not any doubt about that point arise merely from the vagueness of Mr. Cook's language? (3) Does not Mr. Cook give to the casual reader the impression that he is arguing for some proposal which he presents to 'any but the bigoted provincialist' as something better 'than that offered by Mr. Ewart?' (4) And finally is there any such proposal? Or is it not the fact (as Mr. Jebb indicates) that it is to a 'vague creed' merely (as distinguished from a proposition) that we are asked to maintain an 'intelligent attitude?'

I should have quoted Mr. Jebb's distinction between "a proposition to be examined", and a creed to be believed. After saying that this latter is what imperialism means to Mr. Cook, Mr. Jebb adds:

"To others, imperialism is neither a cry nor a creed, but a proposition. Mr. Ewart is one of those. Yet, he seems to stand in a class by himself."

But Mr. Jebb should not have excluded me in that way. Imperialism is no more a proposition to me than to anybody else. I have never seen it as a proposition. I have many times asked for its production as a proposition. I do not believe that it can be made into a proposition. I have not the faintest idea of what it would look like as a proposition. I feel perfectly certain that it is nothing but a cry, or at best a creed. And it is for that reason that I confidently repeat that there is but one proposition or proposal before us for consideration. Mr. Jebb very clearly establishes my point by his useful distinction.

And now, gentlemen, I beg to express the hope that what has been said will have dissipated one of the difficulties to which this address is devoted—namely that which arises from the disinclination of imperialists to define their imperialism. The line of my argument as you will have observed is as follows:—

1. The disinclination is based upon very creditable sentiment.

2. The sentiment is, however, misplaced. It might, conceivably, have prevented all usurpations of self-governing authority (Nobody thinks so), but it cannot forbid the proclamation of what we have done.

3. The disinclination is re-enforced by a lingering faith in the possibility of "imperial federation." There are still a few advocates of the lost cause left.

4. As "imperial federation" waned, the prospect of a proposition vanished; and now we have nothing but a cry, or at best a creed.

5. Colonialism is a "worn-out, by-gone thing," and must be superseded.

6. There is but one proposal with reference to the political future of Canada, namely independence.

7. Independence is merely the final step in Canada's political development. All antecedent steps have been taken. We have no reason to regret what we have done. We are proud of the result at which we have arrived, and we look forward with exultation—with pride and rejoicing, to nationhood as the culmination—the splendid culmination of our political evolution.

The Present Situation.

Practically Canada is independent. Theoretically and legally she is a colony. A completely independent country is one which not only can do as it likes, but can act without the supervision or assent of any other country. Canada falls short of perfect independence—of nationhood. Her constitution is a Britsh statute, and when we want some amendment of the constitution, we have to ask the British parliament to be good enough to amend its statute.

In 1869, doubts arose as to the power of Canada to appoint a deputy to the Speaker of the Senate, and an imperial statute was enacted to declare that it might be done.

In 1873, Canada passed a statuete providing for the examination of witnesses upon oath by committees of the Senate and House of Commons; but it appeared that Canada had no power so to enact. Westminster came to our assistance, and we are now permitted to legislate in reference to the "privileges, immunities, and powers" of our Senate and House of Commons, provided we do not go beyond those "held, enjoyed, and exercised by the House of Commons at Westminster" at the date of our legislation. We must do as they do, or do nothing at all.

In 1886, Canada wished to add to her Senate some representatives from the North-West Territories, but she was powerless, and assistance once more had to be sought for at Westminster.

All that is humiliating enough, but it is rather in its international than domestic aspect that I am most sensitive about the foolish

inferiority of our position. Hayti, Costa Rica, Venezuela—all the scores of trumpery little states of the world are nations, while Canada is a British possession—a colony—a Dominion beyond the seas. Honduras has the same relation to the seas as has Canada, but she is a nation, and, therefore, on this side of the seas. Canada, although you might not have observed it, is on the other side. At international councils, Canada has no seat. At the Peace Conference of 1907, Argentina (population 6,980,000), Bolivia (2,049,083), Bulgaria (4,284,844), Chili (3,254,451), Colombia (4,303,000), Cuba (2,150,112), Dominica (610,000), Ecuador (1,272,000), Guatemala (1,992,000), Haiti (2,029,700), Luxemburg (246,455), Montenegro (250,000), Nicaragua (600,000), Norway (2,392,698), Panama (450,000), Paraguay (631,347), Peru (4,500,000), Persia (9,500,000), Portugal (5,423,132), Roumania (6,865,739), Salvador (1,116,253), Servia (2,688,025), Siam (6,250,000), Uruguay (1,094,688), Venezuela (2,685,606),—an average population of 2,944,765 were represented. Canada with her seven millions was nominally included in the phrase "His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the seas," but in reality she had no more to do with the proceedings than had the inhabitants of Mars. Canada ought not to be omitted from the councils of the world.

Consider, too, the great importance of some of the agreements arrived at by the conference:—

"Convention for the pacific settlement of international disputes.

"Convention respecting the limitation of the employment of force for the recovery of contract debts.

"Convention relative to the opening of hostilities.

"Convention respecting the laws and customs of war on land.

"Convention respecting the rights and duties of neutral powers and persons in case of war on land.

"Convention relative to the laying of automatic submarine contact mines.

"Convention respecting bombardment by naval forces in time of war.

"Convention for the adaptation to naval war of the principles of the Geneva Convention.

"Convention relative to certain restrictions with regard to the exercise of the right of capture in naval war.

"Convention relative to the creation of an international prize court.

"Declaration prohibiting the discharge of projectiles and explosives from balloons" (*a*).

Canada ought to have a voice in the settlement of all such matters. But she has not; and even when some of her special interests

(*a*) *Second International Peace Conference*, 1907, pp. 61, 62.

take on an international aspect she has to act through British officials, who cumber her freedom with strong suggestion falling little short of control.

You all know what befell us, for that reason, in the Alaska boundary affair. Let me give you an incident in the conduct of the recent fisheries arbitration. The contest being one which interested (upon our side) Canada and Newfoundland alone, we had a right to expect that we would have had a perfectly free hand in the selection of the counsel to be employed in it. Those of us engaged in the case did think so until we arrived in England, when we heard a rumour, and afterwards the definite statement, that the Attorney General of England deemed it to be his duty to take the leading part in the argument. None of us knew the Attorney-General. Nobody would have thought of retaining him. He was an exceedingly busy man, and the political situation was one which at the moment appeared to make adequate study of our case impossible. But we had no option. Nominally the case was one between the British government and the United States government. Canada was, theoretically, not even a party to it. The English Attorney-General was officially entitled to control the case, and without the least consultation with Canada or Newfoundland, be became our counsel.

I am not complaining. The Attorney-General did splendid work, and for his services was made Lord Robson. And we must not forget that some fair reason can be given for controlling us in this way, so long as we are nominally a colony. Although the United Kingdom had no interest in the fisheries' case, she has interests all over the world which might be affected by any decision given in the case, and, naturally, while she would like to see Canada and Newfoundland succeed, she would be sorry to see her other interests affected. Unfortunately for us in the fisheries' case, the United Kingdom had, with reference to the most important question submitted to the tribunal—the question of our bays—a very divided object. She wanted Canada and Newfoundland to get their bays, but she did not want to be trammelled by a precedent that might be an embarrassment in her contention with Russia, Norway or other countries with respect to their bays. In fact the only two substantial difficulties which we had with reference to the bays were, first, that the United Kingdom had always been indifferent as to our ownership of our bays, and secondly, that she had recently asserted, in other parts of the world, if indeed she was not at the moment asserting, views inconsistent with those for which Canada and Newfoundland had always contended. What could possibly have been more damaging to our case than the statement made in

the House of Lords by Lord Fitzmaurice, as recently as the 21st February, 1907? Remember that the United States was contending that only such of our bays were territorial (belonged to the owner of the adjoining territory) as were not more than six miles wide, and that we were alleging ownership of all bays, of whatever width they might be, and the embarrassment caused by Lord Fitzmaurice's statement can be easily understood:

"According to the view hitherto accepted by all the departments of the government chiefly concerned—the Foreign Office, the Admiralty, the Colonial Office, the Board of Trade, and the Board of Agriculture and Fisheries—territorial waters were—first, the waters which extended from the coast line of any part of the territory of a state to three miles from the low-water mark of such coast line; secondly, the waters of bays, the entrance to which was not more than six miles in width, and of which the entire land boundary formed part of the territory of a state.

"By custom, however, and by treaty and in special convention, the six mile limit has frequently been extended to more than six miles.

"The Foreign Office of late years, as your Lordships are aware, has been involved in many important controversies where these questions have been raised—there was the famous decision of the High Court in the case of the 'Franconia,' the controversy with Denmark with regard to the fishing rights in the waters of Iceland, and last but not least famous, the Behring sea arbitration. In all these cases the contention of the Foreign Office has been what I have described" (*a*).

Sir Robert Finlay and the Attorney-General struggled with this admission as best they could (*b*), and fortunately the tribunal did not feel themselves bound by it. If we had lost our bays it would have been because a case which was really the case of Canada and Newfoundland was nominally and legally the case of the United Kingdom.

Two Kingdoms and one King.

Canada's claim to the international rank, however, involves one of two alternatives: either she must completely separate herself from the United Kingdom and supply herself with a new king—an impossible course; or else she must retain the same king, in which case there would be that which is not well understood, namely two independent kingdoms with the same king. Let me try to explain that situation. The debate to which I have referred touched upon the subject. In one of his articles Mr. Cook said:—

(*a*) North Atlantic Coast Fisheries Arbitration at the Hague. Oral argument, pp. 270.1.
(*b*) Ibid pp. 270, 1; 1151.

"Strangest of all is the idea that the crown can form a link between these Associated Kingdoms, which have 'no common army or navy, no common policy, and no agreement for concerted action,' and which are free to make bargains with one another, or, failing that, to 'act accordingly' i.e., make other arrangements. Imagine King George, as constitutional monarch of one kingdom, signing a treaty with a foreign nation with which, as sovereign of another kingdom, he happened to be at war. One cannot believe Mr. Ewart capable of such Gilbertian humor, and can only suppose that the inclusion of the crown in his scheme is a concession to weaker spirits, and the term 'kingdom' a temporary lapse from that 'precision in the use of language' for which he contends."

Mr. Cook had forgotten that not only during earlier periods had the idea which he treats as mere burlesque been one of the most conspicuous and significant facts in the history of his own country, but that in later times, namely from James I to Victoria, except for 7 years, it had been in fullest operation. For 104 years, the crown was the only constitutional link between England and Scotland, and for 123 years it was the only link between England and Hanover. During the first of those periods England was at war without the co-operation of Scotland; and during the second, the relation of England to Hanoverian wars was controlled by the British statute which provided:

"That in case the crown and imperial dignity of this realm shall hereafter come to any person, not being a native of the Kingdom of England, this nation be not obliged to engage in any war for the defence of any dominions or territories which do not belong to the crown of England without the consent of parliament."

The king-union with Hanover terminated at the accession of Victoria to the British throne, because of the existence of the Salic law in Hanover prohibitory of female sovereigns. In these later days the acceptance of the idea which to Mr. Cook seemed so ridiculous ought not to be difficult. Formerly, when the king was the real executive and pledged his royal honor and so on, separate action of two countries of which he was king required distinction between his two capacities; and the idea of the king signing a treaty in one capacity and not conforming to it in another, although easily understood, and carried into actual practice, might to some people have required explanation. With the transfer of executive power from the king to his several governments, all difficulty disappears. Now it is not the king who pledges his faith, it is the government of which he is the nominal head; and one of his governments may agree and the other may not. We are perfectly familiar with the idea in its application to commercial treaties and to commercia

war through the operation of hostile tariffs. For a form of a modern war-treaty look at the Anglo-Japanese agreement of July last:

"The Government of Great Britain and the Government of Japan ....have agreed....."

That the British government did not intend to include Canada in the treaty, was made quite clear by ministerial replies in the British House of Commons. At the imperial conference of 1911 Sir Wilfrid Laurier said:

"We have taken the position in Canada that we do not think that we are bound to take part in every war"(*a*);

and shortly afterwards Mr. Asquith was asked in the House of Commons

"Whether this doctrine was held by any one of the other Dominions; whether it was accepted by the British government," etc.

Mr. Asquith replied, in part, as follows:

"The matters are too grave and delicate to be dealt with by way of question and answer"(*b*).

Sir Edward Grey's reply to a question with reference to the renewal of the Japanese treaty was still more illuminating. He was asked:

"Whether the Japanese government were informed as to what course of action would be pursued by the Dominions, should Great Britain be involved in war under article two of the treaty."

The reply, in part, was:

"The action to be taken by the Dominions in any war in which His Majesty's government may be engaged is a matter to be considered by His Majesty's Government in consultation with the Dominions, and is not for discussion with any foreign government"(*c*).

Canada, then, is not pledged by any treaty with Japan to join in rendering the military support which the United Kingdom has promised on her own behalf.

(*a*) *Proceedings*, page 117.
(*b*) *Times*, 28 July, 1911.
(*c*) *Times*, 21 July, 1911.

Mr. Cook sees something Gilbertian in all this. So should I, if I were accustomed to mislead myself by the misuse of the word *empire*—if I customarily thought of Canada as subordinate to the United Kingdom, or as forming a political unit with it—if (to recur to Mr. Cook's metaphor) I constantly spoke of the shadow of one thing as though it were the substance of another. Let Mr. Cook but think (and for that purpose speak) of the countries as two Associated Kingdoms rather than as one Empire, and he will find that all the humor of the situation will disappear.

History is full of examples of one man occupying the chief political position in two or more countries, which in every other respect were absolutely separate and distinct. Put your finger on almost any date you like, and you will find some such case. Confine yourself to British history and count up the years in which the King of England was also (really or nominally) King of France, or part of it; in which the King of England was also King of Scotland; and in which the King of England was also the King (or Elector—it is the same thing) of Hanover, and you will find that duality has been the rule. Had Queen Victoria been a boy, dual-sovereignty would have continued—King George would probably now be King of Hanover, and I should have been spared the trouble of explaining that such a situation is not a creation of the Gilbertian sort of brain. Moreover, if Sir John Macdonald had had his way, Canada would have been a kingdom in 1867. And if, therefore, dual-sovereignty did terminate in 1837, it would have commenced again after an interval of only thirty years.

England and Scotland.—For greater clearness let me refer with more particularity to the two king-unions that I have mentioned. In 1603, James VI, of Scotland succeeded to the English throne as James I, inaugurating a period of 104 years during which the two countries acknowledged the same sovereign, but were in every other respect completely separate and independent kingdoms:

(1) James VI of Scotland continued to be James VI of Scotland, although James I of England.

(2) Each country retained its own flag. They could not have had one national flag, because they were not one nation. A flag means sovereignty, and as Englishmen had no share in the sovereignty of Scotland, and Scotchmen no share in the sovereignty of England, any combination of their flags would have contradicted the facts. The union jack could not have appeared until—104 years afterwards—the government of the two countries had become united under one parliament (1707). It is for a precisely similar reason that the union jack, in its unadapted form, has ceased to be the fitting flag

for Canada. It is the emblem of legislative control, and the United Kingdom (whose flag alone it is) has, in reality, no legislative control over Canada. England and Scotland during their king-union, had different flags, because, from a legislative point of view, they were independent states. From the same point of view, Canada is now an independent state, and for that very good reason ought to fly her own flag—the flag introduced by Sir John A. Macdonald and Sir Charles Tupper, and approved and indorsed by Lord Stanley of Preston when Governor-General of Canada.

(3) Each country retained its own parliament, and neither parliament had the slightest control over the other.

(4) The countries remained strongly antipathetic towards each other, and they hit at one another by trade-laws and other statutes to which the common king gave the requisite assent.

(5) Animosity culminated in statutory provisions for separate kings in the death of Queen Anne without heirs. The English parliament, by 12 and 13 William III, provided for the accession of the heirs of the Electress Sophia, while the Scots parliament enacted (1704) a method for the selection of a successor—

"Providing always that the same be not a successor to the crown of England unless" etc.,

adding conditions improbable of fulfilment. The common sovereign assented to both statutes. It appears to be very clear that there may be two independent kingdoms with the same king.

England and Hanover.—Seven years after the completion of the union of England and Scotland, another foreign sovereign (the Elector of Hanover) came to London, and was crowned as King of Great Britain (1714). This duality lasted until the accession of Victoria in 1837, and during the 123 years, England and Hanover occupied precisely the same relative positions as those just terminated between England and Scotland:

(1) The Elector of Hanover continued to be elector of Hanover, although King of Great Britain.

(2) Each country retained its own flag and its own form of government. Neither attempted to interfere with the other.

(3) The detachment of the two countries was recognized internationally. That is an important point. Let me elaborate it a little. When the Elector of Hanover became King of Great Britain, the northern war was raging between Sweden on the one side, and Denmark, Prussia and Russia on the other. In the following year George, as Elector of Hanover, joined in treaties with these three

powers, by which in return for the war-assistance of Hanover, he was put in possession of certain Swedish territory. Thereafter, and for four years, George, as Elector of Hanover, was at war with Sweden, while, as King of Great Britain, he was at peace. I do not say that his influence with his British ministers did not enable him to make certain demonstrations with the British fleet in the Baltic which were of value to the allies; but I do say that the pretext (to a very important extent, the real reason) for those demonstrations was protection of British merchantmen, and that Sweden accepted the pretext and treated Great Britain as a non-belligerent. For example, when Charles XII (King of Sweden) was urged to help the Jacobites in England, he (to quote a recent writer, Mr. Chance):

"admitted the advantage to himself, but refused his consent on the ground that the King of England had not declared war on him" (*a*).

Afterwards, when Peter of Russia urged George, as King of England to furnish the allies with money, George replied

"that, as king, he was not at war with Sweden, and as elector, would perform the engagement of his treaties" (*b*).

Take also an incident connected with the proposed treaties with Denmark in 1718:

"At Copenhagen (Denmark) attention was principally given to the proposed treaties with Great Britain and Hanover. The former had been practically agreed to, but the latter was hindered by the anxiety of Denmark to keep well with Russia and Prussia" (*c*).

The political separation between the two countries was so well understood that the diplomacy of England (as a power at peace with both Hanover and Sweden) could be used for the purpose of terminating the war with the belligerents:

"Lord Carteret, ambassador extraordinary and plenipotentiary (of England) reached Stockholm (Sweden) on 11th July 1719. His commission was to renew the treaty of 1700 with Great Britain, lately expired; to support Colonel Bassewitz in his negotiations for peace with Hanover; and to promote peace with Denmark and Prussia (*d*).

Early in 1719, George, as Elector, entered into another treaty with Austria and Poland, directed principally against Russia.

(*a*) *George I and the Northern War* by J. F. Chance, page 78.
(*b*) Ibid, p. 101.
(*c*) Ibid, p. 259.
(*d*) Ibid, p. 331.

"English ministers were not informed of the treaty till it had been signed. Then a declaration attached to it by which George, as king, undertook to send a British fleet to the succour of Dantzig and Elbing if they were threatened, caused great difficulties as it required an English counter-signature; and this was never ratified, it seems"(*a*).

Peter, of course, did not like Hanoverian opposition, but he did not fail to distinguish between Hanover and Great Britain:

"Peter the Great, now, with the view of conciliating British sentiment, declared to the merchants of that nation at St. Petersburg that he imputed the King of England's hostility towards himself entirely to his Hanoverian interests; he did not blame Great Britain, and would continue his favor to them as heretofore, so that they need fear nothing on account of Hanoverian intrigues, but might pursue their trade freely, provided they did not concern themselves in those intrigues" (*b*).

It is unnecessary further to multiply illustrations. European history is full of them. But perhaps a useful word may be written with reference to Mr. Cook's suggestion that my reference to the king-union of England and Holland is "ominous". He means, of course, that eventually it ceased to exist. It did, but only because of the Salic law in Hanover. There is no such law in Canada.

The king-union between England and Scotland is not "ominous." It ended happily in legislative union. When James VI set out from Edinburgh on a Tuesday morning in the spring of 1603 to be received in England as James I., there were, no doubt, some persons who could have told him that dual-kingship would encounter many embarrassments. They were right; but the sufficient answer was that the alternative—separate kingships—was much worse. In the same way, I reply that dual-kingship is better than Canadian colonialism; that it is better than separate kingships; that it is better than Canadian republicanism; and that it is better than annexation to the United States. It is better than what we have at present. And it is better than anything that can be proposed. Gentlemen, that is a very strong case.

I do not say that the dual-kingship of the United Kingdom and Canada will end in complete separation or in some closer union. I am not a prophet, and for some years (taught by many disappointments) have not attempted the role. All that I urge is (1) that Canada must shed her swaddling clothes, and (2) that there is but one way in which she can do it.

Indeed, the precedent of the English-Scottish union ought to afford comfort and hope to those imperialists who anticipate the

(*a*) Ibid, p. 292.
(*b*) Ibid, p. 416.

discovery, at some future time, of some acceptable scheme of closer union. And it is most significant, and to nationalists most encouraging, that some of the best of present-day imperialists are commencing not only to recognize the inevitableness of nationalism, but actually to welcome it—although tentatively and conditionally—as a necessary pre-requisite of the fulfillment of their aspirations. For example, Lord Milner (the chief of English imperialists) said:

"One thing alone is certain. It is only on these lines, *on the lines of the greatest development of the several states*, and their coalescence, *as fully developed units*, into a greater union, that the empire can continue to exist at all. The failure of the past attempts at imperial organisation is due to our imperfect grasp of the idea of the wider patriotism. In practice, we are slipping back to the antiquated conception of the mother-country as the centre of a political system with the younger states revolving round it as satellites. *Against that conception the growing pride and sense of independence of the younger states revolts*" (*a*).

Principal Peterson has recently said:

"Moreover there can be no doubt that, in the course of a natural development, the ideal of nationalism is, in the case of Canada, rapidly displacing the colonial status"(*b*).

In "The Empire and the Century" (a book befriended by Lord Grey) there is the following (page 40):

"Before federation or anything like it is possible, certain conditions must be present. There must be a comparatively uniform development throughout the empire, the different parts which make the federal units showing a certain level of civic well-being. One state may be richer than another, or may base its wealth on different grounds; *but all must have attained to a certain height of self-conscious national life*, otherwise they will enter the federation on different terms, and instead of harmony will find abiding discontent."

In the last number of *United Empire* Dr. Parkin said:

"The proof seems to be conclusive that this growth and organisation on a national scale are *necessary stages on the journey towards complete unity* . . .

"We may be perfectly sure that in proportion as each of these countries approaches a state of national consciousness it will also acquire a deeper sense of national responsibility.

"And *when the full sense of national responsibility is reached, when each of these dominions finally faces its relations to the outer world*, I have no doubt

(*a*) *Standard of Empire*, 23rd May, 1908.
(*b*) *University Mag.*, vol. p. 126.

about the turn their thoughts and policy will take, if they have inherited what has been called the saving common sense of our race. They will say that these responsibilities can only be met by a united, and a closely united, empire" (*a*).

In Profosser Egerton's last book there is the following:—

"In broad contrast with the United States after the war of independence, and with the Dominion, the Commonwealth, and the Union of British South Africa, the British Empire has already reached a stage of developement at which its component parts consist of communities with most of the attributes of distinct nations. The most keen-sighted of imperialists now recognize that what is necessary is a federation of nations, not of provinces" (*b*).

And Mr. Reginald V. Harris (the winner of the prize offered by *The Standard of Empire* for the best essay on "The Governance of Empire") has said:

"There seems to be in short, a virtual declaration on their (the Dominion's) part for autonomy first and combination afterwards. Nor does it appear that any other solution of the problem would be either advisable or possible."

That language is to nationalists very welcome and very inspiring. To the rank and file of imperialists, it ought, I think, to come as almost conclusive argument against cessation of further opposition to nationalism.

I must, however, not appear to ask their assistance, or even their neutrality on the ground that nationalism is a step and not an end. I believe that so far as political connection is concerned, it will be a finality. But I also most firmly believe that it will be only the commencement of a new Canadian life—of a life in which a strong unifying Canadian sentiment will quickly spread from Sydney to Victoria, and which just because it has unified, just because it has become national, just because it has found its expression in the universal use of one Canadian flag, and just because the long-drawn struggle for constitutional freedom has ended, will be the better able to respond to the friendships which bind together the ocean-separated subjects of the same great king.

I trust, gentlemen, that I have succeeded, at all events to some extent, in dissipating from your minds the two principal difficulties which appear to stand in the way of popular acceptance of the elevation of our country to that dignity of international position, in which she shall be treated not as a political satellite, not as a colony regulated from Downing Street, but as herself a member, and an important member of the great family of the nations of the world.

(*a*) It is noteworthy that at the last general election for the first time in the history of Canada a somewhat influential association believed that votes could be obtained by the advocacy of a platform which had for its first object: "To promote, especially among those of British birth and origin, the sense of Canadian Nationality, as an increasing power within the British Empire" (*19th Cent.* January, 1912, p. 180)

(*b*) *Federations and Unions in the British Empire.* pp. 100, 101.

NE TEMERE DECREE

To refer the Lancaster bill to the courts was ridiculous, but very much the best thing to do. Religious prejudice has been aroused, and it will be allayed not by reason (that has never been of the least avail), but by lapse of time. People have been made to believe that the Quebec courts are engaged in enforcing the Ne Temere decree, and that the Church of Rome claims the right to supersede Canadian laws. There is not the slightest word of truth in either of the statements, but until a little time has elapsed nothing that can be said will have the least influence upon those whose education and temperament lead them to regard the Catholic Church as their enemy, and to believe any charge that anybody may make against it.

But there are many, very many, Protestants who are not in that class. All through this controversy they have been trying to get at the truth and the facts. They have been worried, and, some of them, misled. But they are perfectly open-minded, and will, perhaps, not regret the devotion of a few more of my pages to the subject.

Why is it ridiculous to refer to the courts a question as to the jurisdiction of the Dominion parliament to pass the Lancaster Bill? Read it and you will see:—

"**1**. *The Marriage Act*, Chapter 105 of the revised Statutes, 1906, is amended by adding thereto the following section:—

"**3**. Every ceremony or form of marriage heretofore or hereafter performed by any person authorized to perform any ceremony of marriage by the laws of the place where it is performed, and duly performed according to such law, shall everywhere within Canada be deemed a to be a valid marriage, notwithstanding any differences in the religious faith of the person so married and without regard to the religion of the person performing the ceremony.

"**2**. The rights and duties, as married people, of the respective persons married as aforesaid, and the children of such marriage, shall be absolute and complete, and no law or canonical degree or custom of or in any province in Canada shall have any force or effect to invalidate or qualify any such marriage or any of the rights of the said persons or their children in any manner whatsoever.

In other words:

1. Every marriage shall be a legal marriage, no matter what the religion of the parties may be.

2. The rights and duties of the parties to a legal marriage and their children shall be absolute and complete.

3. No canonical decrees shall invalidate a legal marriage.

If the absurdity of a reference to the courts of such a bill be not at once apparent to you, ask what would be thought of similar treatment of the following bill:

1. Every legal contract shall be a legal contract, no matter what the religion of the parties may be.

2. The rights and duties of the parties to a legal contract, and their executors, shall be absolute and complete.

3. No canonical decrees shall invalidate a legal contract.

Not a single member of parliament (or anybody else) would think of asking the Privy Council whether the Dominion had jurisdiction to pass that bill. Why? Because it says nothing and does nothing—that which is legal shall be legal, that is all. So also the Lancaster bill. Listen to what its author himself said as to his bill:

"The bill does not say a word about how people shall be married, but says that if they are lawfully married, by any ceremony performed in a province, they shall remain married although their religious belief is different" (*a*).

But if people are lawfully married, they remain married whether parliament so declares or not. The bill says nothing and does nothing; and does anyone suggest that the courts should be asked to say whether the Dominion can do nothing? Curiously enough that is what is going to be done—or rather what the government has said that it is going to do, and, from my point of view (a desire to get people to understand rather than to antagonise each other) the move is a good one. I am unable, indeed, to see, exactly, how we are going to avoid being laughed at, but that is a small price to pay for the time necessary for the quieting of our nerves.

The debate in the house will do much to rob the air of its electricity. If Mr. Lancaster's bill was inartistic in its drafting, he was clear enough as to the point which he had in mind. He imagined that the Catholic church was asserting a claim to override Canadian laws; he thought that there existed some doubt as to the validity of the claim; and he wanted an assertion of the supremacy of the state-law. He said:

"This country wants the issue faced, and it has got to be faced:—who is to decide as to the legitimacy of our children, the church or the parliament of Canada? Don't let us run away from it. Our children will bless us if we settle the matter."

"The question is this: If the church says that this or that is to decide the legitimacy of the children and the state of married people, is that to be the law of the land or is parliament to be able to say: That is not the law. But

(*a*) *Hansard*, January 22, 1912, p. 1685.

parliament-made-law must prevail. That is the issue; that is what we have to deal with"(*a*).

I think it probable that the debate must have convinced Mr. Lancaster of the error of his assumptions, for it established beyond possibility of controversy the following points:

1. The Catholic church makes no such claim as that imagined by Mr. Lancaster.

2. No member of the house made any such claim. Leading Catholics disavowed it.

3. Nobody pretends that there is any doubt as to the supremacy of state-law over church-law.

Probably readers of these Papers will be glad to have those points substantiated. Mr. Borden said:

"Now my hon. friend, in the very able address which he has delivered, has spoken of the relation of the church and state in this country with regard to this matter. So far as that is concerned, every one of us knows that under the laws of Canada, and under the laws of every province in Canada, the decree of any church cannot invalidate the civil law. That is perfectly manifest" (*b*).

Mr. Burnham referring to Mr. Borden's statement said:

"He has laid down the broad general principles which underlie the supremacy of the state. He has shown that the church cannot override the state. To my mind that is broad enough to repel any ecclesiastical decree, enactment, or laws of any description whatever. He has also said, as I understood him, that the civil law alone validates marriage, and that no church can be recognized as supreme on that question. What could be more explicit, what more likely to quiet the agitation in this country than this doctrine laid down by the great statesman at the head of this government? There is no uncertain sound about it" (*c*).

Sir Wilfrid Laurier said:

"There has been an impression that the Ne Temere decree was intended to override the authority of His Majesty the King and the parliament. As a Catholic I protest against any such interpretation. There is no such intention" (*d*).

When Mr. Doherty was speaking the following exchanges took place:

(*a*) Ibid. pp. 1647,8.
(*b*) Ibid. p. 1663.
(*c*) Ibid. p. 1675.
(*d*) Ibid. p. 1677.

MR. CARROLL. Has the promulgation of the Ne Temere degree in the province of Quebec affected the civil law as it stood before the decree was promulgated in Canada?

MR. DOHERTY. Not one iota.

MR. CARROLL. Nor in any other province of Canada?

MR. DOHERTY. I cannot speak with familiarity of the laws of the other provinces, but I have never heard that it did. However, for what professional reputation I may have, I have no hesitation in stating on the proposition, that the law of the province of Quebec on marriage is the same to-day as it was before the Ne Temere decree was enacted.

SIR WILFRID LAURIER. Hear, hear.

MR. MACDONALD. Does the hon. gentleman say that there con be no application in the courts of Quebec of any provisions or results of the Ne Temere decree?

MR. DOHERTY. That is certainly my unhesitating opinion (*a*).

Mr. Pelletier referring to the effect of the debate upon some of the members said that some of them were saying:

"Why, this is a strange thing, we are now told that the Ne Temere decree is not in force in any of the nine provinces of Canada. Sir, the Ne Temere decree has no civil effect in the country, and I know whereof I speak. No one of the Roman Catholic hierarchy pretends for a moment that the Ne Temere decree has any civil or legal effect in Canada" (*b*).

He read from the tablet (the organ of the Roman Catholic Archbishop of Westminster) in confirmation of what he said (*c*) and added—

"This is the universal opinion of all Catholics of this country. The Roman Catholic church does not intend to impose its views on different religious beliefs or different religions. It is preposterous to say that, and I hope and trust that before long, if there are any people in this country who still believe that to be the case, they will come to a better knowledge and understanding of the whole position" (*d*).

From that debate (a credit to the Canadian parliament and to every man who took part in it)—from that effort to elucidate and understand the subject—from that perfect demonstration that the Catholic church makes no claim to override the law of the state, turn to the memorandum recently "issued by the committee appointed by the General Synod of the Church of England in Canada." It may be divided into three parts—one of them is an assertion that the Catholic church does make the claim just referred to, and the other two are most successful refutations of any such claim. The purpose of the memorandum is stated in the opening sentence:

(*a*) Ibid. pp. 1687, 88, 91.
(*b*) Ibid. p. 1726.
(*c*) The extract may be found, ante, p. 128.
(*d*) *Hansard*, January 22, 1912, p. 1727.

"It will be helpful to consider . . . the following incontrovertible facts connected with the present demands of Rome to control the marriage laws of Canada."

And the refutation is triumphantly declared in the final clause of a statement of the situation:

"The question may well be asked, Where does Rome find authority for her audacious claim that when the statute law of the land validates a marriage, she, placed in the same position as other religious bodies in the Dominion, has the right by her decree to overrule such legislative declaration and nullify what it enacts (*a*).

The real question, of course, is, Where does Rome make the audacious claim? And the reply of the committee is to cite a decree of the Council of Trent (1563), and an extract from a Catholic text-book in which the author says that heretic marriages should not be considered valid in places where the decree is in force because heretics "are subject also to the jurisdiction of the Roman Church" (pp.9, 10). To this there are some very obvious replies:

1. The committee itself says that:—

"as a matter of fact the decrees of the Council of Trent, as adjudged by the Privy Council in England, are not now and never were, either at the time of the cession to England or at any other period, in force in Quebec" (*b*).

2. The text-book has no reference to civil jurisdiction —only to ecclesiastical jurisdiction.

3. No doubt in earlier times the Catholic church and every other church made many extraordinary claims. What the committee ought to prove to us, before attacking any particular claim, is that somebody is asserting it in Canada now. Why does not the committee fulminate against some of the other old assertions of civil jurisdiction? The most extravagant of them, probably, was the claim to depose sovereigns, and release subjects from their allegiance. The notion, on doubt, is dead enough, but the committee might very reasonably condemn it. And I would respectfully suggest that the committee should not overlook some paragraphs in the Westminster Confession of Faith, for not only does that document bear date nearly 100 years after the Council of Trent (1647), but it has been subscribed (with more or less mental reservation) by all present-day Presbyterian clergymen in Canada:

"The Lord Jesus, as king and head of his church, hath therein appointed a government in the hand of church officers, distinct from the civil magistrate.

(*a*) P. 3.
(*b*) P. 10.

II. To these officers the keys of the kingdom of heaven are committed, by virtue whereof they have power respectively to retain and remit sins, to shut that kingdom against the impenitent, both by the word and censures; and to open it unto penitent sinners, by the ministry of the gospel, and by absolution from censures, as occasion shall require.

III. Church censures are necessary for the reclaiming and gaining of offending brethren; for deterring of others from the like offences; for purging out of that leaven which might infect the whole lump; for vindicating the honor of Christ, and the holy profession of the gospel; and for preventing the wrath of God, which might justly fall upon the church, if they should suffer his covenant and the seals thereof to be profaned by notorious and obstinate offenders.

IV. For the better attaining of these ends, the officers of the church are to proceed by admonition, suspension from the sacrament of the Lord's supper for a season, and by excommunication from the church according to the nature of the crime, and demerit of the person" (*a*).

"And because the powers which God hath ordained, and the liberty which Christ hath purchased, are not intended by God to destroy, but mutually to uphold and preserve one another; they who, upon pretence of Christian liberty, shall oppose any lawful power, or the lawful exercise of it, whether it be civil or ecclesiastical, resist the ordinance of God. And for their publishing of such opinions, or maintaining of such practices, as are contrary to the light of nature, or to the known principles of Christianity, whether concerning faith, worship, or conversation; or to the power of godliness; or such erroneous opinions or practices, as either in their own nature, or in the manner of publishing or maintaining them, are destructive to the external peace and order which Christ hath established in the church; they may lawfully be called to account, and proceeded against by the censures of the church, and by the power of the civil magistrate" (*b*).

"The civil magistrate may not assume to himself the administration of the word and sacraments, or the power of the keys of the kingdom of heaven; yet he hath authority, and it is his duty, to take order, that unity and peace be preserved in the church, that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline prevented or reformed, and all the ordinances of God duly settled, administered, and observed" (*c*).

All that, of course, belongs to a period long gone by. Nobody in Canada now pretends that our courts ought to suppress those things which the Presbyterian church declares to be blasphemies and heresies; nobody asserts that heretics (including Presbyterians) are subject to the civil jurisdiction of the Roman church; and nobody asserts that that church has any control over the marriage-law of Canada.

I venture to suggest that we unanimously anathemize all those absurd assertions; discharge the committee, with thanks; and appoint another whose pleasanter duty it shall be to note and em-

(*a*) *Confession of Faith*, cap. 30
(*b*) Ibid. cap. 20.
(*c*) Ibid. cap 23

phasize the points of harmony in all our religions, and thus to help us to understand and sympathize with each other.

OTTAWA, February 1912.

JOHN S. EWART.

To Correspondents

During Mr. Ewart's absence in November and December, letters of appreciation of the Kingdom Papers accumulated in too large numbers for individual reply. It is hoped that the writers of them will be good enough to accept this general acknowledgment of their kindness.

These papers (including the back numbers) will be sent, free of charge, to all applicants

JOHN S. EWART,
Ottawa, Ont.

MERCHANT SHIPPING.

NATURALIZATION.

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(In order to draw attention to the purpose for which quotations are employed, italics not appearing in the original, are sometimes made use of).

IN a previous Paper, I gave, as a reason for the absence of explanation of Canada's constitutional position with reference to merchant-shipping and naturalization, that discussion of such subjects would necessarily be of too technical a character, and, acting upon that idea, I commenced publication of my views in the Canadian Law Times (*a*). I have been led to believe that very many of the laity would like to have an opportunity of endeavoring to understand our relations to the United Kingdom with respect to such very important subjects, and I now beg to submit the following for their consideration.

MERCHANT SHIPPING.

If the British Empire was not originated for commercial reasons, its development, at all events, was due almost exclusively to the wealth produced by the trade which it supplied, and to the employment which it gave to British shipping. Development in colonial status (from colonies to Kingdoms) necessarily gave rise to the many constitutional questions involved in a divided form of government, and their adjustment is now of great historical and constitutional interest. But underneath all such questions was that which originated them, namely, the necessity for the perpetuation of commercial advantages; and, in this view, the insistence upon Downing Street control must be regarded as not in itself of metropolitan importance, but as the means or method, merely, by which the trade-monopoly of England was preserved.

(*a*) Nov., 1911.

The American revolution, for example, was resisted not for sentimental reasons, but because British merchants did not wish foreigners to participate in colonial trade; and a humiliating settlement of the quarrel was finally agreed to by Great Britain principally with a view to placating the colonials, and thus, it was hoped, forfending the exclusion of British merchants, by American statutes, from those trade-benefits which British statutes had previously given them in monopoly.

The Canadian provinces succeeded to the American situation (1763). Downing Street kept us well secluded from the world, commercially. We were a British "possession"—a British preserve; and British merchants were protected from foreign interference until the eighteen-forties, when the United Kingdom, having adopted free-trade principles, the bars were thrown down; our value as a possession was reduced to zero; and we were pleasantly described as a mill-stone round the British neck.

From that time development of our constitutional freedom became, in certain respects, a simple, if a somewhat tedious and occasionally annoying process. No longer could any sufficient reason be suggested for interference with our purely local affairs; no longer had the governors any motive for acting as leaders of one of the colonial political parties; no longer had they any object in defying the legislative assemblies. But in certain other respects—in those, namely, in which sections of the British people still continued to consider themselves entitled to privileges in the colonies—there was the same old difficulty; the same old objection to colonial interference with those privileges; the same old pressure and interference from Dowing Street.

For example, British authors and publishers have always imagined that the colonies ought to do as they were told in the matter of buying books. The story is too long to be told here (*a*), and my present purpose is to cite it merely as an example of the cases to which I have referred—as a case in which, notwithstanding our alleged position as a self-governing colony, we were not permitted to regulate the sale of books in our own territory(*b*).

Then there was the treaty-making power. British merchants, notwithstanding the advent of responsible government in the colonies, still continued to be interested in our commercial relations with other countries, and only after a protracted struggle (*c*) have we quite lately succeeded in securing an acknowledgement of our right to do as we like.

(*a*) A short statement of it may be seen in my book "The Kingdom of Canada, pp. 17–19.
(*b*) The inhibition is only at this late date in process of removal.
(*c*) Ante, pp. 107-8.

One last subject remains, namely, merchant shipping. It promises to be somewhat difficult of arrangement. Indeed, there is strong probability that the only method of settling it is by a declaration of the independence of those colonies which desire contitutional freedom to deal with this most important subject of national life.

"Why so? Have not all other difficulties yielded to less drastic remedies?" They have. As soon as the British Government, from time to time, announced its willingness to acknowledge our authority, former questions have automatically disappeared. But the peculiarity of the merchant-shipping question is that—

(1) The British government believes that the concession of colonial authority, followed by proposed colonial legislation, would affect British shipping not merely in the colonies, but all over the world—that foreign countries would pass retailiating laws; and

(2) Even if the British government were willing to acknowledge colonial authority, the colonies would still be unable to legislate as freely as they might wish—they would still be bound by treaties with foreign powers which great Britain does not wish to denounce.

Independence would remove both difficulties, for—

(1) The retaliatory laws which the United Kingdom fears, would not affect her. They would be directed against the offending state only; and

(2) Each state could for itself withdraw from the treaties.

I want to try and explain our position with reference to this important subject. It is rather complicated, but, as I think, very interesting. We must commence by understanding that a British ship is a ship registered in accordance with the British statute. It may be registered in one of the colonies, but it will be still legally speaking, a British ship. In the present paper the phrase *British ships* will be used in this inclusive sense, while distinction among them will be indicated by the phrases *United Kingdom ships*, *Colonial ships*, *Canadian ships*, and so on.

What Australia and New Zealand Want: Australia and New Zealand (*a*):—

1. Propose that all ships, British and foreign, engaging in their trade shall be subject to their legislation.

2. The practical purposes which they have in view are:

(*a*) The exclusion of ships which pay rates of wages lower than the local standard.

(*a*) Canada and South Africa have not the same problems as their sister colonies, and have not, as yet, felt the pinch of Downing Street interference.

(*b*) The exclusion of ships which refuse to comply with the local laws with reference to equipment, *e.g.*, number of crew, accommodation, and sanitary arrangements.

These colonies appear to be determined to insist upon freedom to legislate upon such points, and no one who has read the proceedings of the Colonial Merchant Shipping Conference of 1907 and of the Imperial Conference of 1911, can fail to be impressed with the earnestness of their conviction that protection of their seamen from the competition of Lascar labor is essential to the existence of their own marine. Australia and New Zealand are determined to be white countries, or as nearly so as possible; for that reason they restrict the immigration of the yellow races; and they resent the competition with their own ships of vessels, whether British or foreign, manned by the poorly paid Hindu. They are careful, too, as to the nature of the accommodation, food, and sanitary arrangements furnished on their own vessels, and deem it proper that other ships engaging in their trade should comply with their regulations.

Two clauses in a proposed New Zealand statute will indicate sufficiently the line of colonial wishes with reference to wages:

"Seamen employed in ships plying or trading from New Zealand to any port within the Commonwealth of Australia, or from New Zealand to the Cook Islands shall be paid, and may recover the current rate of wages for the time being ruling in New Zealand.

"In the case of ships plying or trading from New Zealand to any port within the Commonwealth of Australia, or from New Zealand to the Cook Islands, which are manned wholly or in part by Asiatics, passenger tickets issued for passages from New Zealand, and bills of lading or shipping documents for cargo shipped in New Zealand, shall be liable in addition to any duty imposed under the Stamp Duties Act, 1908, to a stamp duty equal to twenty-five per centum of the amount of the passage money or the amount charged for freight. Provided that where it is proven to the satisfaction of the collector that the provisions of section two hereof are complied with on any ship, then the provisions of this section shall not apply to that ship" (*a*).

British governments have little real sympathy with the contention of the colonials, and United Kingdom shipowners, who have always had enormous influence with British governments, deem them very absurd. "Are not Lascars British subjects? Ought not United Kingdom shipowners to be permitted to employ British subjects at as cheap a rate as they can be hired at? And what right have colonies to impose regulations on United Kingdom ships?" I do not believe that there is any way of removing views of that sort other than by transporting the holder of them to some country

(*a*) *Proceedings, Imp. Confer.* 1911, *Cd.* 5745, p. 402.

suffering from the conditions complained of. Tell people (especially the officials) in England, as Sir William Lyne (Australia) told the Shipping Conference in 1911, that:

"One of the sorest points we have in Australia is the fact that so many foreigners are employed in the shipping trade, and also so many Hindus are employed. They are British subjects, but when you pay a man 4½d. as against 6 or 7 shillings, it comes home to the pockets of the men very strongly. That is what they are paying Lascars to-day, 4½d. I speak emphatically about this, because I know how emphatically it is thought of in our country. I hope nothing will be done that will restrict absolutely the power of the government in dealing with a question of this kind" (*a*).

—tell that to the officials of the British Board of Trade, and you make no real impression. You merely put them upon discovery of some method of avoiding that which you want.

The situation is admittedly, for British statesmen, somewhat difficult, and even as Lord Crewe said, "in one sense insoluble" (*b*). It is, however, but a part of the same question as was raised a few years ago by the objection of Canada, Australia, and South Africa to the reception of the Hindus as immigrants. At first the British government told us that these men were subjects of the same king, and could not be excluded from any part of his dominions. That view was soon abandoned—not because British governments disapproved it, but because the colonies were determined to oppose it. At the Colonial Conference of 1897, Mr. Chamberlain expressed a somewhat modified view, with the result that (as the official report, somewhat optimistically tells us)

"Her Majesty's government have every expectation that the natural desire of the colonies to protect themselves against an overwhelming influx of Asiatics can be attained without placing a stigma upon any of Her Majesty's subjects on the sole ground of race or color (*c*).

And now the view held even by the India Office itself is that indicated by Lord Crewe:

"Now I desire to say that I fully recognize—as His Majesty's government fully recognize—two facts: the first is that as the empire is constituted, the idea that it is possible to have an absolutely free interchange between all individuals who are subjects of the Crown—that is to say, that every subject of the King whosoever he may be, or wherever he may live, has a natural right to travel or still more to settle in any part of the empire—is a view which we fully admit, and I fully admit, as representing the India Office, to be one which cannot

(*a*) *Col. Mer. Ship. Conference*, 1907, *Cd.* 3567, p. 32.
(*b*) *Proceedings, Imp. Confer.*, 1911, *Cd.* 5745, p. 395.
(*c*) *Proceedings, Cd.*, 8596 p. 18.

be maintained. As the empire is constituted it is still impossible that we can have a free coming and going of all the subjects of the King throughout all parts of the empire. Or to put the matter in another way, nobody can attempt to dispute the right of the self-governing Dominions to decide for themselves, whom in each case, they will admit as citizens of their respective Dominions" (*a*).

But if colonial right to exclude cheap labor from their shores is conceded, it is impossible to insist upon its introduction upon ships engaged in colonial trade—impossible either as a matter of colonial jurisdiction, or of colonial policy.

The interests of the United Kingdom and the colonies seem to be in irreconcilable conflict. India and its unrest are matters of the greatest concern to imperial statesmen. Their point of view is well expressed in a "Memorandum by the India Office" handed to the conference of 1911, from which the following extracts are made:

"It will not be disputed that each of the Dominions is under the strongest moral obligation to take no isolated action which would involve the empire in war with a foreign power. But it does not appear to have been thoroughly considered that each Dominion owes responsibility to the rest of the Empire for ensuring that its domestic policy shall not unnecessarily create embarrassment in the administration of India. It is difficult for statesmen who have seen Indians represented only by manual laborers and petty traders to realise the importance to the Empire as a whole of a country with some three hundred million inhabitants, possessing ancient civilization of a very high order, which has furnished and furnishes some of the finest military material in the world to the imperial forces, and which offers the fullest opportunities to financial and commercial enterprise. It is difficult to convey to those who do not know India the intense and natural resentment felt by veterans of the Indian army, who have seen active service and won medals under the British flag, and who have been treated by their British officers with the consideration and courtesy to which their character entitles them, when (as has actually happened) they find themselves described as 'coolies,' and treated with contemptuous severity in parts of the British empire . . . . The efforts of the British government to create and foster a sense of citizenship in India have, within the last few years, undoubtedly been hampered by the feeling of soreness caused by the general attitude of the Dominions towards the peoples of India. . . . The government of India, while appreciating the colonial point of view, cannot, and do not wish to, dissociate themselves from the general feeling of disappointment at the unwillingness of the Dominions to recognize that Indians are entitled to consideration" (*b*).

This is all perfectly true and very well said, but it does not supply an answer to the colonial objection to cheap labor. And probably the only solution is the political independence of the colonies. The United Kingdom ought not to be ashamed; she has done all that

(*a*) *Proceedings, Imp. Confer.*, 1911, *Cd.* 5745, p. 395.
(*b*) *Cd.* 5746-1, p. 277.

she can. Her embarrassment arises wholly from the fact that, theoretically and legally, she has a power of control over the colonies which, in reality, she can exercise only in the way of giving council and by interposition of delay. Conformity of theory to fact would put an end to her trouble.

For a precisely similar reason, The United Kingdom, by her political association with the colonies, suffers embarrassment with regard to foreign countries. For if the colonies insist upon foreign ships complying with their regulations, foreign countries might, under present circumstances, hold the metropolitan responsible and retaliate with regulations inhibitory of the admission, to their ports, of United Kingdom ships. It is true that the United Kingdom has herself taken some risks in this respect by the imposition of certain regulations upon foreign ships, but she has been extremely careful of the reasonableness of her regulations, and has probably had assurance of foreign approval of them prior to their adoption. Upon the whole, they have had a very useful effect in raising the standard of efficiency all over the world (*a*). The proceeding, however, as can easily be seen, is one of the greatest delicacy, and so long as the United Kingdom can be held responsible for colonial regulations, she cannot be blamed for her anxiety as to their character. She believes that those now proposed by the colonies would breed retaliation; and, naturally, she objects to them. The colonies, on the other hand, declare that the regulations are essential to the existence of their own shipping, and they have no anxiety as to retaliation. Once more, the solution is colonial independence. Let the retaliation (if it comes) be applied to those responsible for it.

Jurisdiction of the Dominions: Independence, however, has not as yet been officially suggested as a solution of the difficulties, and the questions which have been and are now being discussed are:

(1) Are the legislative powers of the dominions with reference to merchant shipping already plenary?

(2) If not, ought they to be made so? In other words, ought the Dominions to be enabled to carry out their avowed purpose?

As essential preliminary to the consideration of these questions (1) we must understand the precise character of the authority

(*a*) *Proceedings. Col. Confer.*, 1911, *Cd.* 5745, p. 147. Mr. A. Berriedale Keith of the Colonial Office summarizes the British regulations in this way. "The tendency in England is towards increasing severity with regard to foreign vessels. The Merchant Shipping Act, 1906, expressly applies to foreign ships the British load-line provisions, authorises the detention of foreign ships when unsafe owing to defective equipment, etc., provides as to the loading of grain cargoes on foreign ships, applies to all foreign shipping within any port of the United Kingdom certain rules as to life-saving appliances, regulates the loading of timber on foreign vessels which enter British ports, includes foreign steamships under the definition of passenger steamships, and so forth." (*Jour. Soc. Comp. Leg. vol.* 9, pp. 202, 3).

which sovereign nations have over ships—their own and foreign; and (2) we must know what parts of that authority the British government admits the dominions already have, and what items in it they dispute.

Every sovereign nation has complete legislative control:

(1) Over its own ships (ships rightly flying the national flag) whether those ships are in home waters or upon the open ocean.

(2) Over its own ships in foreign waters, but subject to local laws.

(3) Over seamen and passengers on its own ships, subject to the local law when in foreign waters.

(4) Over all foreign ships, with their seamen and passengers while in national waters. Foreign vessels (save for innocent passage through them) may enter national waters only with the assent of the nation, and must while there, obey all local laws. If such laws are thought to be unfriendly, the question must be raised diplomatically.

Admitted Colonial Jurisdiction. In the earlier days, no attempt was made to define, with any degree of particularity, the extent of colonial jurisdiction. The general idea of the Colonial Office seems to have been to reserve to the Imperial Government,

> "the right to control vessels on the high seas, while leaving to colonial control the management of vessels which are really local (*a*)."

The position now taken by the British government is stated in a memorandum of the Board of Trade (22 November, 1907) as follows:

> "(1) That ships registered in Australia or New Zealand, and ships engaged in the coasting trade of those dominions should be governed by laws made by the Australian and New Zealand parliaments:
> (2) That other ships should be governed by the imperial law (*b*)."

The colonies claim: (1) either that their jurisdiction is plenary, or (2) that it must be made so. They do not pretend that the completeness of their own powers negatives the overriding authority of the British parliament. They admit that conflict between the two parliaments must (as in every other department of legislation) be settled by acknowledgement of the supremacy of imperial legislation, but they interpose two points:

1. The conflict must be real—one provision sharply negativing the other. For example, if British legislation requires that ships

(*a*) Keith: *Resp. Govt. in the Doms.*, p. 193.
(*b*) *Cd.*, 3891, p. 4.

shall carry three engineers, colonial legislation might require four, although it could not reduce the number to two.

2. British legislation does not conflict with colonial unless it is made specially applicable to the colonies. Without such a provision it is applicable to the United Kingdom only.

New Zealand Jurisdiction: New Zealand has not as good a case as have Canada and Australia, and, as we shall see, she appears to accept the view that her jurisdiction is of limited character. Her charter authority extends to the making of laws for her "peace, order and good government", but there are no other words upon which she can found an argument in support of a claim to plenary authority.

Canadian Jurisdiction: The Canadian constitution is better. After a general grant of authority "to make laws for the peace, order and good government of Canada", it continues as follows:

> "And for greater certainty, but not so as to restrict the generality of the foregoing terms of this section, it is hereby declared that (notwithstanding anything in this act) the exclusive legislative authority of the parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated . . ."

and in the enumeration are:

> "The regulation of Trade and Commerce", and
> "Navigation and Shipping."

It might be suggested that the principle words "peace, order and good government *of Canada*" do not include the government of a Canadian ship outside of Canada. But no such suggestion is made. It is admitted, as we have seen, that Canadian law follows Canadian ships everywhere—subject, of course, to foreign laws when they are in foreign water.

The only other limitative suggestion is that Canadian law would not apply to United Kingdom ships when in Canadian waters. But there is nothing in the act to support that idea. The ships of all other countries are amenable to Canadian law, and we constantly enforce it against them. (We have power to exclude them altogether if we wish). There is no distinction in the act between United Kingdom and (for example) American ships. Our legislative authority, therefore, appears to be as ample as that of any other country.

Australian Jurisdiction: The Australian constitution gives to parliament:

"power to make laws for the peace, order and good government of the Commonwealth with respect to:

"(1) Trade and commerce with other countries, and among the states."

"(29) External affairs" (Section 51).

"The power of the parliament to make laws with respect to trade and commerce extends to navigation and shipping" (Section 98).

The statute to which the constitution is appended contains a few governing clauses. One of them is, in part, as follows:

"The laws of the Commonwealth shall be in force on all British ships, the Queen's ships of war excepted, whose first port of clearance and whose port of destination are in the Commonwealth(*a*)".

The implication of this last clause would at first sight appear to be that the legislative authority of the Commonwealth would not extend to any ships other than those mentioned. But that would involve the absurdity that the Commonwealth would have no jurisdiction of any kind in respect of its own ships (for they, too, are British ships). And the true interpretation, no doubt, is that the clause was intended to add to the authority which Australia had to regulate her own ships (under the general grant of the power)—to add control of all other British ships falling within the description.

The result, therefore, is:

(1) That the Commonwealth has complete legislative control over her own ships wherever they are (subject to local law in foreign water);

(2) That as there is no limitation of her authority in this respect, she has complete legislative control over foreign ships when in her waters; and

(3) That she has control, also, of all United Kingdom ships—

"whose first port of clearance and whose port of destination are in the Commonwealth."

It will be observed that this classification does not include United Kingdom ships engaged in the Australian coasting-trade. The omission, however, is not important. It is supplied by section 736 of the British Merchant Shipping Act of 1894.

(*a*) See Merchant Service Guild v. Currie, 5 C.L.R. (Aus.) 737.

British Legislation: Consideration of the Merchant Shipping Act of 1894 and 1906 (British) may necessitate amendment of the results thus arrived at. But probably all that can be said with any certainty is that the difficulties of decision are more than usually obvious. The contention of the Dominions is that the statutes (with the exception of certain specified clauses) do not apply to them; that their powers are to be found in their own constitutions; and that any act of general application must not be construed as intended to override the special constitutions of the Dominions.

The arguments *pro* and *con* are many, and of much too special and technical a character for treatment in a Kingdom Paper. They have not as yet been fully stated, but the papers of Mr. R. E. Cunliffe, Solicitor to the British Board of Trade (*a*), Mr. R. R. Garran of the Australian Attorney-General's Department (*b*), and Mr. A. Berriedale Keith (*c*) contain pertinent suggestions. All that can be usefully done in the present Papers is to set out the two clauses of the Merchant Shipping Act of 1894, which are said (by British officials) to indicate the limit of Dominion jurisdiction.

"Clause 735, Section (1). The legislature of any British possession may by any act or ordinance, confirmed by Her Majesty in Council, repeal, wholly or in part, any provisions of this act (other than those of the third part thereof which relate to emigrant ships), *relating to ships registered in that possession*; but any such act or ordinance shall not take effect until the approval of Her Majesty has been proclaimed in the possession, or until such time thereafter as may be fixed by the act or ordinance for the purpose."

"Clause 736. The legislature of a British possession may, by any act or ordinance, *regulate the coasting trade* of that British possession, subject in every case to the following conditions:—

(1) The act or ordinance shall contain a suspending clause providing that the act or ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed;

(2) The act or ordinance shall treat all British ships (including the ships of any other British possession) in exactly the same manner as ships of the British possession in which it is made;

(3) Where by treaty made before the passing of the Merchant Shipping (Colonial) Act, 1869 (that is to say, before the thirteenth day of May, eighteen hundred and sixty-nine), Her Majesty has agreed to grant to any ships of any foreign state any rights or privileges in respect of the coasting trade of any British possession, those rights and privileges shall be enjoyed by those ships for so long as Her Majesty has already agreed or may hereafter agree to grant the same, anything in the act or ordinance to the contrary, notwithstanding."

(*a*) *Cd.* 2483, p. 56.
(*b*) Report of the Royal Commission, 1904, *Cd.* 3023, p. 59.
(*c*) *Jour. Soc. Comp. Leg.*, Vol. 9, pp. 202-222; Vol. 10, pp. 40-92.

It must be observed that:

(1) Section 735 implies that the act as a whole does apply to ships registered in the dominions.

(2) The Dominions may withdraw their own ships from the operation of the act, with the exception of Part III.

(3) Inferentially and necessarily, the Dominions may legislate for those ships wherever they may be.

(4) The Dominions may (subject to certain conditions) regulate their own coasting trade.

(5) The Dominions are not given control over British ships other than coasters.

(6) No reference is made to foreign ships, and it might be argued that inasmuch as other clauses of the act are specifically made applicable to such ships (for example sections 418, 420, 431, 446, 451, 452, 455, 462, 688; and in the statute of 1906 sections 1, 2, 3, 4, 10, 13, 76, 77) the Dominions were not to have authority to legislate with reference to them. But the argument has no validity. The Dominions could certainly exclude foreign ships altogether, and *a fortiori* they could give them qualified admission. We shall see that upon this point there is no difference of opinion.

The only qualification (if any), then, of the plenary authority of the Dominions occurs with reference to British ships registered outside the Dominion when engaged in trade other than coasting. Such ships, it is said, may call at one or more ports of a Dominion without becoming amenable to Dominion law; but, on the other hand, it is admitted that if they take a passenger or a pound of freight from one of the ports to another they must conform to local regulations.

History of the Question.

New Zealand Act, 1896: The conflict between the British and Dominion governments is (as has been said) of recent origin (*a*). It commenced with the adoption (1896) by the New Zealand parliament of a bill (*b*), which assumed to make provisions with reference to wages upon ships which carried either passengers or goods from one port of New Zealand to another, even when that coastal trade was but an incident in a very much longer voyage—commencing, for example, in Europe and ending there. The Colonial Office challenged this and other provisions, and Mr. Seddon, the Premier of New Zealand, defended his bill in this way:

(*a*) *Proceedings, Imp. Confer.*, 1911, pp. 193, 405, 418.
(*b*) *Cd.* 2483, pp. 83–6.

"As to vessels from abroad entering into coastal trade and being compelled to pay the New Zealand rates of wages, such a course is deemed to be equitable, for these vessels practically compete with vessels which are engaged in the coastal trade all the year round, and which pay the current rate of wages of the colony. If this were permitted, these vessels might come, say, during the grain and wool season, and by reducing the rates it would practically cause a loss to either the producers or to the owners of the New Zealand coastal vessels, whose charges are fixed. If trade were diverted owing to this cause during the brisk months of the year, the owners would have to raise their rates during the dull season; and whilst there would probably be a slight gain to the pastoralists and grain growers, it would happen that a hardship would result to the community generally. As before stated, sections 10 and 11 of the act are designed to secure fair play to the local shipowners and those *bona fide* carrying on coastal trade; and it cannot be denied that the colony has power to make laws which are local in their application and which regulate solely existing trade" (*a*).

The reply of the Colonial Secretary did not question the constitutional authority of New Zealand. After stating that the effect of the bill might be to give to seamen on British ships higher rates of wages than those contracted for, the memorandum proceeded to say that:

"accepting Mr. Seddon's contention that it is within the power of the New Zealand legislature to alter, while operating in New Zealand, a contract made here, that contention at least *gives rise to a question of policy.* Mr. Seddon appears to urge in defence of the section that British ships from abroad would otherwise compete unfairly with New Zealand coasting ships, and that the section treats all British ships alike. It must be admitted that there is considerable force in this argument, but the question should be carefully considered in all its bearings" (*b*).

Eventually the bill received the Royal assent and became law. The question was one of policy, merely—one, therefore, with which the Colonial Office ought not to have interfered.

New Zealand Act, 1903: Afterwards (1903) the passage by the New Zealand parliament of a very comprehensive bill (*c*) consolidating the previous statutes gave rise to further correspondence. The objections to the bill were stated in reports by the solicitors of the shipowners' parliamentary committee (*d*), and the solicitor of the Board of Trade (*e*), but eventually (6 March, 1905) the Colonial Secretary advised the government of New Zealand that the bill would be assented to, adding, however:

(*a*) *Ibid.*, pp. 4, 5.
(*b*) *Ibid.*, p. 7.
(*c*) *Ibid.*, pp. 87–163.
(*d*) *Ibid.*, p. 35.
(*e*) *Ibid.*, pp. 56–63.

"Your ministers are, of course, aware that *any provisions in Bill conflicting with Merchant Shipping Act* 1894 *are void and inoperative under Colonial Laws Validity Act* 1865, and that any provisions purporting to regulate conduct of ships, and persons on ships, not registered in New Zealand when these ships are outside the limits of the colony must be equally inoperative" (*a*).

Some of the objections to the bill were based upon the assertion that New Zealand had exceeded her powers, and others were directed to points of policy. Inasmuch as the Colonial Office had no right to dictate policy, and inasmuch as questions of *ultra vires* ought to be settled by the courts, the bill was properly assented to.

Australian Bill, 1904: Between the passage of this latter New Zealand bill and the Royal assent to it, a somewhat similar bill (*b*) was introduced (1904) into the Senate of the Australian parliament, and was at once referred for examination to a Royal Commission. The reports (1906, both majority and minority) together with a memorandum on the constitutional question by Mr. R. R. Garran are printed in *Cd.* 3023. British objections to the bill were formulated by the solicitors of the Liverpool Shipowners Association (*d*), and the Chairman of the Shipowners' Parliamentary Committee (*c*). Meanwhile, parliamentary proceeding upon the bill was delayed.

The Merchant Shipping Conference, 1907: The Colonial Secretary now determined to make a comprehensive effort to deal with the whole subject. Writing to the Governors of Australia and New Zealand (8 March 1905) he said:

"The difficulties surrounding the question of the conditions which are to govern merchant shipping under the British flag cannot, in their opinion, be properly met by a continuance without modifications of the existing system, under which the several parts of the empire may, and do, legislate with different results in many important matters in which uniformity is desirable. The introduction of the Commonwealth bill, and the recent passage of a comprehensive act in New Zealand have led His Majesty's government to the conclusion that the time has now come when the whole situation should be reconsidered in the light of the experience of the ten years since the Merchant Shipping Act of 1894 was passed.

"Your ministers will see from the documents enclosed in this despatch that the difficulties of the present system fall under two heads; first, the legal and constitutional questions concerning the scope of the powers enjoyed by colonial legislatures under the Merchant Shipping Act 1894; and secondly, the practical inconveniences arising from divergent legislation by the parliaments of the United Kingdom and of the Colonies.

(*a*) *Ibid.*, p. 79.
(*b*) *Ibid.*, pp. 164–212.
(*c*) *Ibid.*, pp. 13-31.
(*d*) *Ibid.*, pp. 31-34.

"I have already said that in the opinion of His Majesty's government the time has come to reconsider the whole situation. It is impossible to discuss and settle by correspondence questions of the magnitude and complexity which such a reconsideration involves; and they, therefore, propose that at as early a date as can be arranged a conference, composed of representatives of the United Kingdom, Australia and New Zealand, should meet here with the object of obtaining as much uniformity as is feasible in shipping legislation, and of removing ambiguities which lead, or are likely to lead, to litigation and confusion (*a*)."

Although called for the purpose of considering "the legal and constitutional questions" as well as points of policy, the representatives of the British government at the conference (March, 1907) suppressed as far as possible all discussion of the legal side of the subject. From one point of view they acted wisely, for if the Dominions have jurisdiction over all vessels engaged in their coasting trade (and that is admitted), they, practically, have control of the whole situation. The chairman, Mr. Lloyd George, said:

"I would not raise constitutional issues if I could possibly avoid it. I do not think it is necessary; they are always awkward questions. . . . One does not want to raise these questions if we can avoid them. The Imperial Government would rather not; we prefer discussing it on the basis that you are fully within your rights" (*b*).

Proceeding in this friendly way—trying to arrive at uniformity of idea merely—the bearing of the phraseology of the resolutions (adopted by the conference) upon the question of constitutional right was not kept very clearly in mind by the colonial representatives; and the extraordinary result was that although the conference was called to consider policy and legality; and that although it deliberately refrained from discussing legality; yet that one of the resolutions adopted was afterwards quoted (as we shall see) as an agreed disposition of the constitutional question. That resolution (No. 9) was as follows:

"That the vessels to which the conditions imposed by the law of Australia or New Zealand are applicable should be (*a*) vessels registered in the colony, while trading therein, and (*b*) vessels wherever registered, while trading on the coast of the colony; That for the purpose of this resolution, a vessel shall be deemed to trade if she takes on board cargo or passengers at any port of the colony to be carried to and landed or delivered at any port in the colony (*c*).

Canada was not invited to the conference. She has not had experience of the peculiar difficulties which affect Australia and New Zealand, and has (probably for that reason) indicated her concurrence in the view that:

(*a*) *Ibid.*, p. 80.
(*b*) *Cd.*, 3567, p. 4. See also 52, 58, 59, 62, 77, 78, 82, 84, 86, 115, 153, 159.
(*c*) *Cd.* 3567, p. V. And see resols. Nos. 4 and 5.

"Legislation in the British dominions affecting British ships not registered in, nor engaged in, the coastal trade of the dominions, should not impose upon such ships restrictions beyond those imposed by the Imperial Shipping Act" (*a*).

Australian Bill, 1907: How little had been accomplished by evading discussion of the constitutional question was made clear by the almost immediate introduction in the Australian parliament of a new bill. The objections to it by the British Board of Trade were enclosed to the Governor in a despatch (29 November, 1907), in which the Colonial Secretary said:

"In so far as the bill conforms to the resolutions of the conference, His Majesty's government are in full accord with its provisions. At the conference, His Majesty's Government recognized, and they desire to put the view on record in the most formal manner possible, that every dominion has the full right and power to regulate, not only vessels registered in that possession, but also all vessels engaged in the coasting trade of that possession (as defined by the 10th resolution of the conference) so long as they are engaged in that trade "(*b*).

"In certain cases, however, the legislation proposed goes beyond those limits by purporting to regulate vessels which do not engage in the coasting trade, and vessels while on the high seas before or after engaging in the coasting trade. In some other cases, resolutions accepted by the representatives of the Commonwealth at the conferences have—probably by inadvertence—not been carried into effect" (*c*).

In the accompanying memorandum of the Board of Trade was the following (already quoted as evincing the present view of the British government):

"The resolutions passed by that conference may be said to establish two main principles:

(1) That ships registered in Australia or New Zealand, and ships engaged in the coasting trade of those dominions should be governed by laws made by the Australian and New Zealand parliaments;

(2) That other ships should be governed by the imperial law" (*d*).

The reply of the Premier of Australia (15 June 1908) was, in part, as follows:

"The two principles stated to have been deduced from the resolutions of the conference appear to indicate a misconception of the real manner and purpose

(*a*) *Cd.* 4355, p. 4.

(*b*) The 10th resolution was as follows: "A vessel engaged in the over-sea trade shall not be deemed to engage in the coasting-trade merely because it carries between two Australian or New Zealand ports,

(*a*) passengers holding through tickets to or from some over-sea place.

(*b*) merchandise consigned on through bill of lading to or from some over-sea place.

(*c*) *Cd.* 3891, p. 7.

(*d*) *Ibid.*, p. 47.

of these resolutions, which has probably been the reason for the opinion that the navigation bill has gone beyond the agreements reached at the conference. The first of these principles may be accepted, but that the second correctly epitomises the results of the conference cannot be conceded. If that principle had been generally admitted, quite a large part of its discussions would have been without object, and the delegates, or some of them at any rate, would have left the conference with most erroneous ideas as to what they had really agreed to.

"The misunderstanding arises from reading resolution No. 9 as if it stood alone, and purported to state the only classes of vessels to which Australian laws are to apply. The form of words used may lead to that conclusion, but the resolution must be considered in the light of the antecedent facts, and be read in conjunction with all the other resolutions of the conference.

"Nowhere in the resolutions or the report of the conference is there to be seen any assertion of this second principle as stated, certainly it was never formulated, and it is submitted that all the circumstances combine to indicate that so sweeping a deduction cannot fairly be considered as having been in the minds of the delegates.

"As was stated during the conference, the laws now in force in some of the Australian states apply, at any rate, as regards certain parts, to vessels of all nationalities which happen to be in the ports of those states, irrespective of the classes of trade they are engaged in, or the countries whence they have come or whither they are proceeding. It was also intimated that it was not the intention of Australia to surrender any of the rights now possessed in regard to such ships, and it is submitted that such was the understanding at the conference" (*a*).

The Colonial Secretary replied (18 September, 1908):

"His Majesty's Government regret that they are unable to agree with your ministers as to the power of legislation in regard to navigation which has been conferred upon the parliament of the Commonwealth of Australia by the imperial act of 1900" (*b*).

And he proceeded to argue in a letter that which could have been much more satisfactorily discussed at the conference, at the same time adding:—

"It is, of course, impossible for any decision as to the actual powers of the Commonwealth parliament to be arrived at except on appeal to a judicial tribunal" (*c*).

But if that be true, there appears to be no answer to Australia's contention that the proper course was to assent to the passage of the bill in order that the point might be put in train for decision by the courts.

(*a*) *Cd.* 4355, pp. 7, 8.
(*b*) *Ibid.*, pp. 19, 20.
(*c*) *Ibid.*, p. 20.

New Zealand Bill, 1907: New Zealand, too, in the latter end of the conference year proposed to pass a statute (*a*) making provision as to the manning of ships engaged in the inter-colonial trade (*b*). Thereupon the Colonial Secretary (2 April 1908) represented to New Zealand that:—

"legislation in the British dominions affecting British ships not registered in, nor engaged in, the coastal trade of the dominions, should not impose upon such ships any restrictions beyond those imposed by the Imperial Merchant Shipping Acts" (*c*).

The answer of New Zealand (22 June, 1908) was to the point:—

"My ministers are of the opinion that it would not be advisable for the New Zealand government to promise the imperial authorities that it will not initiate legislation imposing restrictions upon British ships not registered in, nor engaged in, the coastal trade beyond those imposed by the Imperial Merchant Shipping Acts, as such a promise might hamper future legislation, especially as regards ships engaged in the inter-colonial trade" (*d*).

In reply the Colonial Secretary appealed to resolution No. 9 of the conference. The correspondence with both colonies proceeded, but we need not follow it.

Imperial Conference, 1911: The Australian and New Zealand bills just referred to having demonstrated the futility of attempts to evade the constitutional question, the whole subject in its various aspects was brought before the Imperial Conference of 1911. Four resolutions were proposed—two of them of very great importance. A short summary of the various debates to which they gave rise will probably be the best way to indicate the views of the members of the Conference, and to form a true estimate of the present situation:—

I. Support of British shipping: Mr. Fisher (Australia) moved:

"That it is advisable in the interests both of the United Kingdom and of the British Dominions beyond the Seas that efforts in favor of British manufactured goods and British shipping should be supported as far as practicable" (*e*).

The resolution was the result of Australia's experience with reference to a bill (1906) which gave a certain preferential rate of duty

(*a*) *Cd.* 3891, p. 3.
(*b*) By inter-colonial trade was intended, principally, the trade with Australia and the smaller islands of the Pacific. These places are regarded as being peculiarly within the sphere of influence of New Zealand and Australia: *Cd.* 3567, pp. 70–73; 81.
(*c*) *Cd.* 4355, p. 3.
(*d*) *Ibia*, p. 18
(*e*) *Cd.* 5745, p. 134.

to goods manufactured in the United Kingdom when imported (1) in British ships, (2) manned by British seamen, (3) of European descent. Australia had been informed by the Colonial Secretary that the existence of certain treaties made assent to such legislation impossible, and the bill had to be abandoned. The Colonial Office was not very sorry to be able to cite the treaties, for British shipowners disliked the bill itself. It gave a bonus, indeed, to British ships, but only to such British ships as carried crews of European descent, and those British ships were all Australian ships. The bill, therefore, was one which aided Australian and not British shipowners.

Supporting the resolution, Mr. Pearce (Australia) admitted the distinction, and justified it by saying that:

> "*if we exempted British shipping from those conditions we would be subjecting our own Australian shipping to unfair competition from British shipping*; so that we could not take that upon us" (*a*).

Mr. Buxton (President of the British Board of Trade) said that the treaties might be denounced, but his principle objection was stated as follows:

> "We think it is not a question of merely denouncing the treaties, but that if this attempt was made, which is the suggestion, namely, to confine the trade of Great Britain with the Commonwealth to British or to Commonwealth ships, this would be very largely resented by the foreign powers interested, and the result would be that we should be open, as we are open all the world over, to attack and retaliation. . .
>
> "I would point out to the conference that out of the 285,000,000, tons of British shipping all the world over, no less than 164,000,000 tons goes to foreign ports, and a comparatively small portion goes to Australian ports, and therefore for the advantage, and no doubt the considerable advantage, of the trade of the Commonwealth, we do not think it would be worth while to risk the possibility of disadvantage accruing to the very enormous trade which we have with other powers. That is really the substantial reason why, as at present advised, we do not think on the whole it would be expedient to adopt the proposal of the Commonwealth government" (*b*).

In other words even though there had been no treaties, the British government would not have assented to the proposed bill. But the true reason for the refusal was probably not that put forward, but rather the clause of the bill providing for European crews. Fear of retaliation did not prevent the British government accepting a preferential tariff upon all goods imported into Canada. Germany did, no doubt retaliate, but against Canada only, and if

(*a*) *Ibid.*, p. 135.
(*b*) *Ibid.* p. 137.

foreign countries retaliated because of Australian aid to British shipping, it would, no doubt, be directed against Australia. Foreign countries must assume either one position or the other with reference to the King's dominions—either they must regard all those dominions as forming one political unit, and therefore perfectly free to help one another with reduced tariffs, (or, if they wish, by the abandonment of all tariffs,) in which case there will be no ground for retaliation; or, on the other hand, they must treat the dominions as separate entities, in which case their resentments and retaliations must be confined to those entities of which they have reason to complain.

Sir Wilfrid Laurier put the matter in the way of solution. Seeing that the situation was similar to that with which he had previously to deal—that the first thing to do was to get rid of the treaties, he announced that as the treaties were "an obstacle to Australia" he would, on a subsequent day, move that they ought to be denounced as far as necessary (*a*).

Sir Joseph Ward (New Zealand) agreed with the proposed resolution. Referring to the unfair influence of the foreign subsidy system, he said that sometimes goods going from England to Australia could be sent more cheaply by shipping them to Germany and thence to Australia via England (*b*). He added:—

"In our country we hold a very strong opinion upon this question of our inability to have our own ships protected against extraordinary conditions in the shape of low rates of pay and excessive competition against the legitimate enterprise conducted by vessels manned by British men receiving rates of pay under the arbitration awards in our country, who are supporting their wives and families under reasonable conditions ashore, and who to-day are likely to suffer tremendously as the outcome of the very difficult problem in connection with the importation of British subjects of a different color to our own who are largely manning some of the British ships trading to our countries. I want to take an opportunity of saying here that *the matter is regarded as very serious in our country, that as far as we are concerned everything in our power legitimately which we can do, we intend to do to prevent it.* . . . .

"So that we are up against a very serious proposition in connection with the important matter of supporting British manufacturers and British ships, because it is undeniable that the ships I refer to are British. They may certainly have very good reasons for the way in which they conduct their business, concerning which I am not in any way interfering, but it is the danger to our ships manned by white men of competition against colored seamen and firemen employed at low rates of pay that I speak of" (*c*)

(*a*) *Ibid*, p. 139.
(*b*) *Ibid*, p. 139.
(*c*) *Ibid*, p. 140, 141

"We are in a very much better position, as far as New Zealand is concerned, to judge what suits our people and to decide what legislation is necessary than the imperial government can be" (*a*)"

The conference being apparently in favor of Sir Wilfrid's proposed resolution, further discussion of Mr. Fisher's was dropped.

II. Navigation Regulations: Mr. Pearce (Australia) moved the following resolution:—

"That it is desirable that the attention of the governments of the United Kingdom and of the Colonies should be called to the present state of the navigation laws in the empire and in other countries with a view to secure uniformity of treatment to British shipping; to prevent unfair competition with British ships by foreign subsidized ships; to secure to British ships equal trading advantages with foreign ships; to secure the employment of British seamen on British ships; and to raise the status and improve the conditions of seamen employed on such ships" (*b*).

This resolution, too, was not well adapted to the point which the mover desired to discuss. It makes no reference to the constitutional question, but it was to that subject that Mr. Pearce devoted his speech.

"As I think every member of the conference knows, whenever a dominion proposes to pass a navigation law it finds itself reminded by the Board of Trade of the existence of the Merchant Shipping Act, and the Board of Trade have pressed, and still press, on the consideration of the dominion governments, the view which I think no dominion government so far has assented to, that the Merchant Shipping Act overrides the dominion legislation even in territorial waters of the dominion itself. The law officers advising the Board of Trade and the law officers of the Commonwealth are in direct conflict as to the power conferred on us by our constitution and the power which the United Kingdom has and which it has expressed in the Merchant Shipping Act. The Board of Trade has in the course of a long correspondence with the Commonwealth government pressed this view with regard to the details of the bill which has been before the Commonwealth parliament for some time. . . .

"What I want to say is this, that I think it is time we had a clear understanding as to how this matter is to be dealt with as between the United Kingdom and the dominions. It seems to me that if we are to get uniformity in reorganising the self-governing powers of the dominions, it is only right that each government should be placed in this position, that it should be allowed to express its will by the passing of an act, and that act should be assented to as a recognition of the power of the dominion to deal with this subject. . . .

"The United Kingdom has taken up the attitude of bringing pressure to bear upon us in the course of the drafting of the bill, and in the passage of that bill through parliament, and we put the view, with all respect, that that is an

(*h*) *Ibid.* p. 150.
(*j*) *Ibid*, p. 144.

undesirable course, and it is one which infringes on the legislative power of the dominion. As our bill will be one of the measures in the forthcoming session, we desire to put the view before this conference, and we anticipate we should have the full support of other dominions in pressing the view upon the government of the United Kingdom that uniformity, or any action to secure uniformity, should be taken subsequent to the dominion passing its legislation, and not prior to and during the course of the passing of that legislation, by a memorandum sent forward by the Board of Trade. . . .

"While this resolution is specific in certain directions, the underlying propositon we have to make to the conference is that, first of all, the right of the dominions to legislate in these matters should not be challenged or questioned, and that we should be given a free hand first of all to place on the statute book our view as to the dealing with this subject, and then that the action to bring about uniformity should be subsequent to the dominion's legislation being assented to by His Majesty's government" (*a*).

Mr. Buxton (Board of Trade) said that:—

"there is no intention of interfering with any constitutional rights which the various dominions may possess. On the other hand there are certain constitutional positions which the home government are bound to take up in reference to those matters of shipping and other questions of that sort" (*b*).

But he refrained altogether from discussion of what the "constitutional rights" were. With reference to the suggestion of "pressure", Mr. Buxton said:

"There is certainly no such intention, and as far as we are concerned our communications are intended to be direct through the governor to the ministers, and not to the public concerned. I think Mr. Pearce should remember that in those matters, especially the ones to which he has referred, there are also great interests concerned which are not simply the interests of the dominion or the Commonwealth, whichever dominion it may be. And as regards the shipping trade here, we are bound to consider and to make representations to the government in reference to a trade which represents about 87 per cent. of the whole compared with the small percentage of any of the particular dominions. I want to emphasize what Mr. Harcourt has said in reference to this matter that the desire in making those communications to the governments concerned is that we should arrive at an amicable decision if possible beforehand, with a view to uniformity and to a workable act, rather than after the act is passed, when it becomes obviously, I think, much more difficult for either side to come to a satisfactory arrangement (*c*).

Mr. Brodeur contended that:—

"The dominions should be given absolute power to deal with the question" (*d*).

(*a*) *Ibid*, p. 144, 145.
(*b*) *Ibid*., pp. 145–6.
(*c*) *Ibid*, p. 146.
(*d*) *Ibid*, p. 149.

He said that Canadian legislation was "in a sort of chaos." Various local laws had been passed, and in 1894, a British statute was passed which had the effect of overriding the local laws (*a*).

Sir Joseph Ward (New Zealand) said:—

"I hold very strongly the view that we should have wider powers than exist at present in dealing with the important proposal that is submitted by Mr. Fisher and spoken to by Mr. Pearce. We have in our country to deal with the condition of the men who are on board our ships under a system that suits our requirements very well indeed. Unlike the officers and men on board British ships under our system of settling their rates of wages, the salaries, the ordinary rates of pay and the conditions under which they work, are very different in many respects from what they are in the old country, and we require to have a broadening of the law to enable us to meet the requirements of our own people under the special circumstances in which we find ourselves.

"We require to have a uniformity of law if we can get it, but I certainly think we require to have more power and not so much difficulty in obtaining assent to such measures as we seek now which meet the special requirements of our country. As to the delays and the difficulty of obtaining the assent, I am not stating that those delays that took place were not warranted on account of the position of the Imperial Merchant Shipping Act, and what was required here, but in the legislation we passed dealing with the matter in 1903, eighteen months elapsed before it was assented to, and the amending act which we passed in 1909 (I am not dealing with the act passed last year dealing with Lascars) has received a conditional consent only, subject to legislation regarding a clause in it; in reality it is not law yet, but, subject to a reservation as to the alteration of one clause of that bill, the rest of it is agreed to. But I want to point out the difficulty that arises in a country like ours where we have to wait such a long time, eighteen months in one instance and nearly two years in the second one, to enable the desires and requirements of our own people to be put into statute law, so as to enable our shipping operations to be carried on successfully in New Zealand, and I think there does want to be a broadening of the law to enable more powers to be given to us. We are in a very much better position as far as New Zealand is concerned to judge what suits our own people, and to decide what legislation is necessary than the imperial government can be so far as the oversea dominions are concerned. I am not raising at the present moment the issue of the employment of Lascars in steamers; that comes under a separate heading, and can be dealt with more conveniently later on.

"The matters we think we ought to have absolute power with respect to and as to which there should be no difficulty about obtaining assent to our proposals are on the question of the wages of seamen, the manning of ships trading from the Dominion to the neighboring dominions—that is a very important point, and I daresay Australia concurs in it.

"We want to have complete power over the manning of ships trading between our country and the oversea dominions. It may be far reaching in its effect, but we want it because the conditions of life out in our country are so different to what they are in other portions of the British empire where colored

(*a*) Mr. Buxton challenged this statement and promised to furnish Mr. Brodeur with a satisfactory explanation (p. 152), but afterwards Mr. Brodeur adhered to his view (p.419).

people are employed, that it means practically life or death to great local institutions with very large capital in them, with a large number of people employed and a large number of dependents living on shore. We want to have the power of fixing the regulation of accommodation for seamen and the survey of ships and their life-saving appliances. . . .

"Then we meant to have the fixing of the load line and the regulation of the form and stipulations in bills of lading as to cargoes shipped from the Dominion, and we want to have the regulation with regard to proposals for the employment of Asiatics. We know that raises an important question which comes probably under the heading of emigration, which may be dealt with later on. . . .

"I am not insensible to the fact that there are many difficulties standing in the way of a great empire such as this in governing shipping permeating as it does the wide world, and dealing with the people who are required for the various trades on account of climatic conditions and others to man them. At the same time, while recognizing all that, we want to see our own country protected in the fullest way possible from the inroad of a system which I believe would eventually break down the shipping in our country altogether" (*a*).

The resolution in the following amended form was carried unanimously:—

"That it is desirable that the attention of the governments of the United Kingdom and of the dominions should be drawn to the desirability of taking all practical steps to secure uniformity of treatment to British shipping, to prevent unfair competition with British ships by foreign subsidized ships, to secure to British ships equal trading advantages with foreign ships, to promote the employment of British seamen on British ships, and to raise the status and improve the conditions of seamen employed on such ships" (*b*).

So far, therefore, nothing was accomplished.

III. Treaties: Sir Wilfrid Laurier moved:

"That His Majesty's Government be requested to open negotiations with the several foreign governments having treaties which apply to the Overseas Dominions with a view to securing liberty for any of those dominions which may so desire to withdraw from the operation of the treaty without impairing the treaty in respect of the rest of the empire" (*c*).

Sir Wilfrid quoted the following comments of the *Times* upon his proposal:—

"Obviously, Sir Wilfrid Laurier's new resolution, although in a sense it only carries on the policy of Lord Salisbury's government in 1897, conflicts absolutely with the principle upon which that policy was based. The principle of commercial unity, for the sake of which Lord Salisbury denounced the German and

(*a*) *Ibid*, pp. 149, 150, 151.
(*b*) *Ibid*, pp. 152, 153
(*c*) *Ibid*, p. 333

Belgian treaties, and which is manifestly essential to the maintenance of imperial co-operation, would have to be abandoned if the governments of the empire of their own accord decided to adopt separate systems of commercial relations with foreign powers. Denunciation of the existing most-favored-nation treaties, even if followed by their resumption on terms, allowing Canada or any other dominion to stand out when it so desired, could only have the gravest results, since it would destroy for good and all the principle of commercial unity within the empire re-established by Lord Salisbury and since accepted by the United States" (*a*).

Sir Wilfrid said that in 1897, Canada desired to give a preference to British goods; that the two old treaties (the German and the Belgian) stood in the way; and that Lord Salisbury had denounced those treaties and set Canada free. Australia, Sir Wilfrid said, was now in the same position with reference to her proposal to give a preference to British ships—old treaties are in the way, and ought to be got rid of. As to the constitutional unity invoked by the *Times*, Sir Wilfrid said:

"The gist of the objection which is made here is, that if this is allowed it would destroy for good and all the principle of commercial unity. I do not know at the present time what principle of commercial unity exists, in view of the different tariffs of the Mother Country and the dominions. The United Kingdom's own tariff is a free-trade tariff. All the other communities represented at this board have not that fiscal policy. They have different fiscal policies, all based upon the principle of raising the revenue by customs duties, but no two tariffs in any of the dominions represented at this board agree; every one is different from the other. All agree in principle, that is to say, that the revenue is to be collected by means of customs duties, but they differ as to the articles on which duty is to be imposed. Now, when we recognize this primary fact that there is not absolute commercial unity, but commercial diversity at this moment in the British empire, in so far as fiscal legislation is concerned, it is not difficult to follow the consequences of the government in the United Kingdom making a treaty which suits its own views and its own requirements, but which will not suit the requirements of Australia, or of South Africa, or of New Zealand, or of Newfoundland, or Canada. Therefore, the principle is no longer at issue; it has been conceded long ago, and it has been recognized that there should be that trade diversity or commercial diversity in the matter, not only of fiscal legislation, but the corollary of fiscal legislation—commercial treaties" (*b*).

Everybody agreed with Sir Wilfrid's resolution. Sir Edward Grey (British Foreign Office) said:—

"The resolution is one which I think from the facts of the case it is clear should be accepted, because, as Sir Wilfrid Laurier has pointed out, the mere fact that for some fifteen years—I take the time from him—the necessities of the case have required that in negotiating commercial treaties between the

(*a*) *Ibid.*, p. 334.
(*b*) *Ibid.*, p. 335.

United Kingdom and the other countries option should be left to the dominions to adhere or to withdraw shows that the modern state of things which now exists in consequence of the developed separate fiscal systems of different parts of the empire is something which is different from the old state of things when older treaties were negotiated. Therefore, it is only natural that, as without exception for some fifteen years, every new treaty of commerce which has been negotiated has been arranged on those lines with an option to the dominions, it follows that a number of the old treaties, which do not contain this option must be felt to be embarrassing. If it had not been that they were felt to be embarrassing by different parts of the empire, this practice of making special arrangement for option in new treaties would never have come into force at all. The mere fact that it has come into force means that the older treaties have been found to be embarrassing, and not to give sufficient elasticity" (*a*).

Sir Edward Grey said that approaches had already been made to some of the foreign governments, and added:—

"If they will agree to do that the course is quite simple; we would then proceed with the modification of the treaty which would leave the old treaty in existence, but in a form which was brought up to date. But supposing they adhere to the line, for instance, taken by the government of Italy that they cannot alter the existing treaty, and it would require the negotiation of a new treaty, then I think that the best course of procedure would be to enter upon the negotiations for a new treaty with the foreign country in question, but without denouncing the existing treaty" (*b*).

The resolution was carried unanimously. That was a splendid bit of work.

IV. Constitutional powers: On the last working day of the conference, Sir Joseph Ward (the imperialist, *par excellence*, of the deputies) moved the following resolution:—

"That the self-governing oversea dominions have now reached a stage of development when they should be entrusted with wider legislative powers in respect to British and foreign shipping" (*c*).

One of the objects aimed at by the resolution being prohibition of cheap Lascar labor, Lord Crewe (Secretary for India) commenced the discussion. He said:—

"As things are, I fully admit that there is no short cut to the solution, so far as I know, in any part of the self-governing dominions, of this question of Indian immigration by the adoption of heroic legislation—that I fully admit. But I do submit with confidence to the conference that the relations between

(*a*) *Ibid.*, pp. 336, 7.
(*b*) *Ibid.*, p. 337.
(*c*) *Ibid*, p. 394.

India and the rest of the empire may be most materially improved by the cultivation of a mutual understanding. So far as the Indian standpoint is concerned, I quite admit that India must admit the main postulates with which I opened these observations, that is to say the undoubted liberty of the self-governing dominions to lay down the rules of their own citizenship, and I can say cheerfully on behalf of the India Office and the government of India, that we will always do our best to explain to the people of India how the position stands in this matter. We will not encourage India in any way to develop what, as circumstances are, can only be called extravagant claims for entrance into the self-governing dominions, and we will do our best to explain to them what the conditions of the empire really are. In turn I think we are entitled and indeed it is our duty to ask the ministers of the self-governing dominions to spread within their own area in each case a realization of how deep and how wide-spread feeling on this subject in India is" (*a*).

"I think it cannot be disputed that until fairly pleasant terms exist between the self-governing dominions and India, within of course, I repeat once more, the necessary limitations which arise from the fact that you are self-governing dominions, it cannot be denied that we are far from being a united empire; however close the connection and however perfect the understanding between the mother country and the self-governing dominions, we are not a united empire unless that understanding spreads to some considerable extent also to that vast part of the empire of which, of course India is the most prominent division, but which also includes all the Crown Colonies which are inhabited by the various native races. We cannot be a united empire for two reasons: in the first place, you cannot properly speak of a united empire so long as acute and active difficulties exist between the different parts composing that empire, and secondly—this, I am sure, will appeal to ministers here—it is a distinct misfortune and a derogation from the unity of the empire if the mother country continually finds itself implicated in difficulties between various parts of the empire" (*b*).

Sir Joseph Ward said that the difficulty was:—

"that the white races and the colored races, under the extraordinary differences in the rates of pay, under the extraordinary differences in the conditions imposed by the requirements of social life in different portions of the British empire, the white man having in many cases to support a wife and children ashore, cannot under the existing conditions work together . . . The conditions under which they are trading between Australia and New Zealand and on the Australian coast too, are, I repeat, a menace to the whole of the great shipping industry which is owned and controlled and worked in those countries, unless there is some *modus vivendi* arrived at to prevent practically the destruction of the interests of the white crews on board those vessels. For my part, I want to make it perfectly clear—I feel that it is due to the people of my country—that while I am as anxious as any man round this table to preserve all that would make for the consolidation of and unity of the British empire, I feel it absolutely necessary in the interests of the people of my country to ask the British government to do all in their power—and I certainly intend, on behalf of the New Zealand government with my colleagues, to do all in my power—to prevent what really

(*a*) *Ibid*, p. 397
(*b*) *Ibid*, p. 399.

means the wiping out of the white crews, on the one hand, of the vessels owned in New Zealand unless their rates of pay are lowered to an amount that could not support their wives and children ashore, or, upon the other hand, the necessity for the same rate of pay being paid to the Indians on board ships not only trading to New Zealand but everywhere else in order to prevent undue competition with the white crews, and I think that is defensible both from the Indian standpoint and from the British standpoint" (*a*).

"If a great British steamship company in England finds it necessary for its own purposes, in order to develop and carry on its business, to employ Indians on board its vessels, why should we be put in the position of reducing the conditions and pay of our men because an extremely low rate of pay is paid to our fellow subjects in India"(*b*)?

"I am particularly anxious not to take up too much of the time of the conference, but I feel I have to speak my views upon this question. It is a matter upon which I feel strongly, and upon which the people of my country feel strongly, and what I urge is that the conference ought to do something in the direction of what is contained in the two clauses of the New Zealand bill to which I have referred" (*c*).

Dr. Findlay (Australia) said:—

"If that is kept clearly in view, I want to emphasize another fact, that to-day, in principle, and for years past, the same law has been in existence. We protect our laborers in New Zealand by imposing a tax, in some cases prohibitive, against importations from India into New Zealand. That is how we protect workers ashore. That is not racial; it is purely economic. We say if we admit the product of cheap Indian labor into our market our white workers cannot be paid a living-wage. You will observe, therefore, that it is a purely economic question. Now, in what respect is that different from the case before us? We have white workers on our ships. It is contended that we should allow Indian workers upon other ships to come into our waters and to be paid a rate lower than to-day we force by law our ship owners to pay white workers. Surely, if those ships are coming into the waters of New Zealand, we are entitled to require that they shall submit to the laws of New Zealand" (*d*).

Sir Wilfrid Laurier said:

"My contention has always been and is that under our respective constitutions, at all events the constitution of Canada, our powers to legislate for shipping are plenary, and that any legislation we pass as to shipping is not only valid, but enforceable in law. But the point of difficulty is that whilst, in my judgment, the powers conferred upon the Dominion of Canada to legislate on shipping, and I presume the other dominions also, are plenary and absolute, the British government in granting the power of self-government to the dominions has reserved to itself the power of disallowance, and when legislation is passed of preventing the sanction and putting into force of any such legislation which they think objectionable. While, as I say, the united Kingdom here has asserted to itself the power

(*a*) *Ibid.*, p 401.
(*b*) *Ibid*, p 403.
(*c*) *Ibid* p 404.
(*d*) *Ibid.*, p 405.

to disallow any legislation which it is in the power of the self-governing dominions to pass, it has been very chary of exercising that power, except in matters of shipping, whereon it has always maintained the doctrine that it had the power to supervise the legislation passed by the self-governing dominions. That is a question of policy more than a question of law, and I do not think that we require any more power than we have at the present time to pass an act, and, after that act is passed, it is valid absolutely."

DR. FINDLAY: "Are you keeping in mind the section of the Imperial Merchant Shipping Act limiting the power of the oversea dominions?"

SIR WILFRID LAURIER: "I am. This power is granted to us in our constitution, but whether it is a question of law or policy, I sympathize with the object of the resolution whether it is raised in one way or the other. I say I sympathize with that, because we in Canada intend to keep to our doctrine that our powers in shipping are plenary" (*a*).

Mr. Batchelor (Australia) said:—

"There are some statements in the general considerations which appear in the memorandum which one could canvas and challenge; but I may say, speaking for Australia on this matter, that this policy of exclusion of certain races has come to stay absolutely, and has to be recognized" (*b*).

Mr. Pearce (Australia) said:—

"We, in Australia, as you know, have dealt with this question from two sides; one in regard to our shipping law, on which we take up absolutely the same position as New Zealand, and for the same reason, and therefore I am not going over that ground again; the other is that in our mail subsidies, and in our subsidies of shipping for the purposes of trade with the Pacific, we do exclude the colored races, and we do it for a definite purpose. We believe it is in our own interest and in the interest of the empire also, to encourage the employment of Britishers on the shipping that carries that trade. We believe that is a sounder policy from an empire point of view than it would be to allow that trade to drift into the hands of people who would be very little assistance to us in the time of war" (*c*).

Mr. Malan (South Africa) said:—

"With us in South Africa it is not so much a question of labor as a question of self-preservation. We have a very large, an overwhelmingly large, African native population to deal with, and we have peculiar color questions as between the white population and the colored populations in South Africa. Now, what is in the minds of the people in South Africa is that if you introduce, or allow to be introduced, another color problem by having a large Asiatic population scattered over South Africa, you will have then the native of South Africa—the aboriginal native—the Asiatic colored population, and the comparatively small European population. So it becomes a matter of self-preservation for the Europeans, and,

(*a*) *Ibid*, p. 406. And see pp. 418, 9.
(*b*) *Ibid*, p. 408.
(*c*) *Ibid*, p. 409.

therefore, I think that the conference will recognize that as far as South Africa is concerned this is a matter of life and death to us" (*a*).

Lord Crewe said:—

"It is also necessary to say that this is not, as I think Mr. Buxton will point out, a strictly local question. The complaint is not so much that you are entitled to lay down special rules for the men who are working at sea within your waters, as that you desire to apply those rules to men who are taking, so to speak, a through journey, half round the world, and happen to touch in the course of that journey at your ports or at the Australian ports."

SIR JOSEPH WARD: "You recognize that it is the economic question we are dealing with."

EARL OF CREWE: "Entirely."

SIR JOSEPH WARD: "Very well. The Indians would absolutely have the right, as far as their economic questions are concerned, to carry them out as they think proper to suit their race in their own territories. Surely they ought not to object to our doing exactly the same to suit our own race in our territory. That is the point."

EARL OF CREWE: "But I think it must be admitted that such a point of view cannot be expected specially to appeal to the Indians, and very largely for this reason. The desire that he should be paid the standard rate of wages is one which might in a way be supposed to appeal to him; but on the other hand, he has a different and, if you like, a lower standard of comfort. There is nothing morally wrong in a man being a vegetarian and a teetotaller, and his wife and family also, and being able to live very much more cheaply than people who adopt the European standard of comfort. But the standard of comfort it is desired to impose is that of a Briton, or a man of British extraction. That may be a reasonable thing to do, but it is the imposition of that standard and the accompanying rights—I do not see how you can put it in any other way—upon people who, for purposes of their own, are content with a different standard of comfort to which no moral or, indeed, social objection can be made. If a man is content to live on rice and water, and does not require pork, or beef, and rum, he naturally is able to support his family on a very much lower scale. Consequently, you have to convert the entire Indian nation to a theory of economics which they certainly do not hold at present, and to which I think, it would be extremely difficult to convert them" (*b*).

That is, of course, the very natural view of a British satesman, and particularly of a Secretary of State for India. But, on the other hand, the difficulty of convincing the colonies that they must convert British subjects in India to a theory very distasteful to them, before protecting from their cheap labor British subjects in the colonies is overwhelming.

Mr. Buxton (Board of Trade) stated the constitutional situation in this way:—

(*a*) *Ibid*, pp. 409, 10.
(*b*) *Ibid*, p. 411.

"The present principle of merchant shipping legislation is fairly plain and simple. Broadly speaking, the code of law that rules the ship is the code of the country of registration, and that code follows the ship round the world. This general principle is modified in its application to the various parts of the British empire by two other principles: (1) That they have full power to regulate their own coasting trade, even though the ships engaging in it are registered in the United Kingdom or foreign countries; (2) That as regards ships other than their own registered ships, and other than ships engaged in their coasting trade, their legislative powers are restricted to their territorial limits, and are, therefore, inoperative on the high seas. There is an exception in regard to certain powers expressly conferred on Australia by Section 5 of the Australian Constitution Act, which deals with so-called 'round voyages', which begin and terminate within the Commonwealth" (*a*).

Mr. Buxton's principal objection to the resolution was that it was not sufficiently specific; that it did not indicate the extent to which the colonies desired their powers to be widened. And what he wanted particularly was uniformity of navigation conditions "which could only be obtained by an imperial act" (*b*). He said:—

"It is clear that if one dominion or colony is entitled to enforce its own mercantile regulations, each and all must be given the same freedom. Would not chaos then ensue if, and when, each dominion or each colony enforced its particular and varying legislation as regards manning, crew space, load line, etc.

"We must not confine our attention to liners, the class of vessel usually discussed in this connection, but must consider also the case of the ordinary commercial steamers, which represent the largest part of British and foreign commerce. Take the case of a tramp steamship owned and registered in the United Kingdom which is chartered now for a voyage to Australia or New Zealand, now to South Africa, now to Canada, according to the state of the freight market. The owner often does not know at what port the ship will touch when the voyage is begun. At present he knows exactly the conditions with which his ship has to comply, and, unless the ship is to engage in the colonial coasting trade, he knows he has no other conditions to comply with than those laid down in the Imperial Act. But suppose each dominion could lay hold of that vessel and subject her in its ports to an entirely fresh code of regulations, alter, say, the requirements of crew space, manning, wages and food scale. Suppose, further (which is quite probable), that the Australian, New Zealand, South African, Canadian, and Newfoundland laws vary on all these different points. How can the ordinary system of shipping be carried on under such conditions; will not the trade be enormously hampered. . . .

"No foreign country attempts to enforce her own rates of wages or manning scales or crew space, &c., on the vessels of another country trading to her ports from abroad; nor does the imperial government interfere with the arrangements on board of a foreign ship while in a port of the United Kingdom except in matters relating to safety, such as cases of overloading, and insufficient life-saving appliances, &c.

(*a*) *Ibid*, p. 412.
(*b*) *Ibid*., p. 413.

"Those who live in the stress of international competition are convinced that it is not possible effectively to impose on foreign ships regulations affecting their domestic economy. The dominions appear to think that they can impose these conditions on foreign ships as well as British. What will be the effect of their action? If they attempt and fail—a preference will be given to foreign shipping. If they attempt and succeed—retaliation will ensue. The Germans, for instance, would not tamely submit to the imposition of such conditions on their ships. These foreign countries will say—and what would be the answer?—'You have allowed your dominions to impose regulations in order chiefly to prevent undue competition with the local industries. We will do the same. You unduly compete in our ports to the disadvantage of our shipping. In future you must be subject to certain regulations and accommodation which will reduce your competition with us.' What would be the result? The whole force and brunt of the retaliation would fall on United Kingdom shipping. The dominions would suffer not at all or very slightly.

"As regards the resolution itself, I am afraid, for the reasons I have given, His Majesty's government are unable to adopt it as it stands" (*a*).

Sir Joseph Ward in reply said:—

"A resolution of this sort is necessary to enable us to give effect to what the labor conditions of our country require" (*b*).

He did not agree that Canada had already the power "to do what we are seeking to obtain" (*c*). He quoted sections 735, 6 of the Merchant Shipping Act 1894, and said:—

"It will be seen, therefore, that the powers are restricted to the repeal of certain provisions of the Imperial Merchant Shipping Act relating to ships registered in the possession and to the regulation of the coasting trade. Even in these two matters, the colonial acts are not to come into force until assented to by His Majesty. I want to direct attention to what the general law is. This resolution consequently is intended to give us wider powers than are contained in the Imperial Merchant Shipping Act" (*d*).

Mr. Brodeur returned to his point with reference to the chaotic effect of complicating imperial and Canadian legislation. He acknowledged that the imperial statute over-rode the Canadian (*e*).

In reply to Mr. Buxton's request for specification of the nature of the powers sought for, Mr. Pearce (Australia) said:—

"The view that the Commonwealth government take up on this question is that we derive our powers to legislate on this subject from the Constitution Act, and that there is no absolute limit of area, provided that the law is for the peace,

(*a*) *Ibid*, pp. 414, 5.
(*b*) *Ibid*, p. 416.
(*c*) *Ibid*, p. 416.
(*d*) *Ibid*, p. 416.
(*e*) *Ibid*, p. 419.

order and good government of the Commonwealth and is not repugnant to an imperial law applicable to the Commonwealth."

DR. FINDLAY: "The effect of this has not been settled by any legal authority. In New Zealand they have settled it the other way."

MR. PEARCE: "There is a difference of opinion as to the application of those words. We have taken the advice of our crown law officers on it, and I have their memorandum here, which is too lengthy to read, the general effect of which is, that unless there is some prohibition placed on some specific things to be done by us the Merchant Shipping Act does not interfere with us."

SIR JOSEPH WARD: "The courts of New Zealand have settled it the other way" (*a*).

Sir D. de Villiers Graaff (South Africa) said:—

"I may say we have no objection to that resolution" (*b*).

General Botha (South Africa) said:—

"This a legal question, and I shall also abstain from voting, because my own view is that we already have these powers, and if I voted for this resolution it might appear as if we admitted that we do not possess these powers" (*c*).

Mr. Fisher (Australia) said:—

"I take up the same attitude".

"We abstain on the ground that if we voted it might be assumed we had limited powers" (*d*).

As a result, Canada and New Zealand alone voted for the resolution favoring the grant of wider powers. But the only reason for the abstention of Australia and South Africa was that they believed that their authority was already plenary. Sir Edward Morris (Newfoundland) was not present when the vote was taken. He did not intend to vote either way (*e*), but for what reason does not appear.

Comments on the Situation: The last two of the above resolutions, as will be observed, have for their purpose the freedom of the colonies to legislate as they wish with regard to shipping—(1) by releasing them from fettering treaties, and (2) by removing any legislative limitations to which they may now be subject. Nothing could more clearly illustrate the truth of the statement of a previous Paper (*f*) that although the conferences owe

(*a*) *Ibid*, p. 420.
(*b* *Ibid*, p. 422.
(*c*) *Ibid*, p. 423.
(*d*) *Ibid*, p. 423.
(*e*) *Ibid*, p. 422.
(*f*) *Ante.*, p. 97

their origin to the Imperial Federation League—that although they were organized with a view to closer political union—their effect has been to aid the very rapid advance of the colonies to nationhood:—

> "The conferences were instituted for the purpose of forging new political bonds. They have most materially assisted in the disappearance of those which existed" (*a*).

We have been told by some imperialists that the dominions ought to confine their legislative activities to local affairs, and that the regulation of "imperial" affairs ought to be undertaken by some central authority. Very well: Now, with the exception of war, what subject can be mentioned which is more of an "imperial" affair than merchant shipping? And, after the debates of the last conference, will anybody suggest that there is the slightest reason to think that Australia and New Zealand (or Canada, for that matter) would be willing to submit the regulation of ships sailing their waters to any parliament, council or board except their own? It was Sir Joseph Ward himself who, at the conference of which we have been speaking, moved the following resolution:—

> "That the empire has now reached a stage of imperial development which renders it expedient that there should be an Imperial Council of State, with representatives from all the self-governing parts of the empire, in theory and in fact advisory to the Imperial government on all questions affecting the interests of His Majesty's dominions oversea" (*b*).

And in his supporting speech, Sir Joseph proposed to transfer to the new body

> "those matters common to the whole empire—that is, all those in which every part of it is alike interested" (*c*).

But Sir Joseph is a perfect type of an imperialist. When soaring in the vague and in the indefinite, he easily evokes ringing cheers for "imperial unity", for "imperial" nebulosity, or anything else "imperial"; but ask him which particular item of present New Zealand legislative authority he wishes transferred to London, and he is as much a nationalist as anybody else. It was on the 25th May that Sir Joseph proposed an imperial parliament or a council (His uncertainty was as marked as that) for the regulation of common

(*a*) Ante, p. 101.
(*b*) *Ibid*, p. 104.
(*c*) Proceedings, p. 58

affairs, and on the 19th June he moved the resolution (quoted above) demanding that control of British and foreign shipping in New Zealand should be confided to New Zealand.

Possibly, Sir Joseph may say that shipping in New Zealand waters is not a matter "common to the whole empire". I agree; but I ask to be told what, upon that line of reasoning, is common. The truth, of course, is that the interests of the various kingdoms are not only almost always different, but very frequently quite conflicting. And the only method of dealing with them is that which time and experience have provided us with, namely separate and independent parliaments. The whole matter may be summed up as follows:

1. The present treaties suit the United Kingdom, but they are irksome to Australia and New Zealand. They must be got rid of, and the colonies set free.

2. Legislation essential to the well-being of the colonies is anti-imperial, and a source of embarrassment to the United Kingdom in its relations with India. The remedy is colonial independence, and the release of the United Kingdom from responsibility for colonial action.

3. Colonial legislation might provoke retaliation by foreign countries, and prejudice United Kingdom shipping in all parts of the world. Colonial independence would remove all anxiety upon that ground.

It has been said that, thus far, Canada has not experienced any embarrassment by reason of the existence of the differences which have brought the United Kingdom into such sharp disagreement with Australia and New Zealand. Our exemption will probably be of short duration. Our House of Commons has declared that as soon as our new transcontinental railway is completed, the preferential rates of our customs tariff are to be limited to goods arriving by British ships at our own ports. When we attempt legislation to that end, we shall be met by the treaties, and by British fear of retaliation. We must be free to do as we wish.

NATURALIZATION

While the colonies are endeavoring (as we have just seen) to define more clearly, and, if necessary, to extend their powers of self-government with reference to merchant shipping, the British government is proposing that, colonial authority with respect to naturalization should be materially diminished, and that we should be relegated to a distinctly inferior and subordinate place in constitutional arrangements. It is the first attempt of that sort since Mr. Chamberlain's time, and it must be resisted as firmly as were all his schemes.

On one occasion only has Canada's constitutional development suffered even temporary retrogression, and that was met and cured by armed rebellion. We have never yet assented to any declension in our powers of self-government, and I am well persuaded that we are not going to do it now.

Fortunately, we need no heroics on the present occasion. Indeed, the British government would probably deny that their proposed legislation would have the effect that I have ascribed to it. They might even argue that their intention was rather to extend than to diminish our legislative authority. I am clear, nevertheless, that my view is the correct one, and that the proposals are based upon easily dissipated misapprehension.

And I am, if possible, still more certain that if I am wrong in this first point—if Canada has not the authority which I think she has—she must get it. It is altogether impossible, at our present stage of national development, either (1) that we can assent to be regulated (as is proposed) by any statute other than our own, or (2) that we can admit that we are to be permanently unable to naturalize aliens who are flocking to our shores.

What then is the present position? And what are the proposals?

Complete and Incomplete Naturalization: Naturalization may be complete or incomplete. When it is complete it effectuates a change of nationality—a change in national *status* or standing. Prior to the act of naturalization the man was, for example, a French citizen. Immediately afterwards he has ceased to be French, and has become a British subject. Naturalization can be complete only if sanctioned by the laws of two countries: (1) the law of France (in the case suggested) must permit the man to expatriate himself (to discard his former allegiance—otherwise, no matter what he does, France will still claim him), and (2) the

law of the United Kingdom, permitting his assumption of the new nationality, must be complied with.

Of the various kinds of incomplete naturalization, the only one that need be mentioned is that which arises under a law which provides for limited naturalization only—limited as to place or as to time. For example, naturalization in the United Kingdom is, by the express language of the British statute, limited to the United Kingdom. If a Russian were made a British subject in England, he would be a Russian if he came to Canada. . There never has been a completely naturalized British subject. The laws of other countries (the United States for example) provide for complete naturalization. A British subject naturalized in the United States is an American even if he should return to his former home.

Present Position: By our constitution, Canada has legislative control over the subject of naturalization. As Sir Wilfrid Laurier declared at the Imperial Conference of 1911:

> "The British government, in granting the constitutions of the several dominions, has parted with this power of sovereignty, and delegated it to the dominions" (*a*).

Had we desired to do so, we could have provided by our laws for complete naturalization. We foolishly followed the British precedent, and our naturalization extends to Canada only.

We make a man a British subject *in Canada*. When he leaves us, he resumes his former nationality. If, for example, an American were naturalized in Toronto and travelled to a Saskatchewan farm *via* Chicago, he would be an American while passing through the United States. What he would be when he reached his farm, I do not know.

Remedy for such absurdity is, of course, very simple. The United Kingdom and Canada should each amend its statute, and (following the almost universal example of other countries) should provide for complete naturalization. Instead of this simplest of courses, the proposals which come to us from the British government are of the most curious, cumbersome and unacceptable character.

The Proposals: The proposals are contained in a draft bill, and may be divided into two categories:

I. Naturalization in the United Kingdom is declared to carry with it certain effects in Canada; and

(*a*) Proceedings, p. 252.

II. Canada is given certain power with reference to naturalization.

I. Speaking of the first of these categories, there can be no objection to the proposal that the British Secretary of State should be authorized to confer complete naturalization, for that is in no sense an encroachment upon our powers of self-government. France, the United States, and other governments do the same thing, without offending one another, or us. But when British naturalization is declared (as by the present bill) to have certain effects in Canada, we must most respectfully, but most firmly protest that rights in Canada are regulated by Canada alone. The clause is as follows:

(1) A person to whom a certificate of naturalization is granted by a Secretary of State shall, subject to the provisions of this act, be entitled to all political and other rights, powers and privileges, and be subject to all obligations, duties and liabilities to which a natural-born British subject is entitled or subject, and, as from the date of his naturalization, have to all intents and purposes the status of a natural-born British subject.

The main objection to this is its departure from the great principle of self-government for which Canada has always struggled. Many years ago, we reached the stage at which the United Kingdom ceased to enact laws operative in Canada (*a*). We are making our own laws and we make them as we please. Now, it is proposed that we are to assent to a reversal of our practice—that the British parliament is to legislate for us. The suggestion is not only unacceptable, it is offensive.

I object to the clause just quoted, not only because it is legislation for Canada, but because it is bad legislation. It might prove to be very embarrassing to Canada. At present there is no British law declaratory of the rights of a naturalized alien in Canada. We must see to it that there never shall be such a law. We must keep control of our own affairs.

That we might object to the provision has been foreseen, and the following clause is proposed as sufficiently safe-guarding our interests:

"Nothing in this act shall take away or abridge any power vested in or exerciseable by the legislature or government of any British possession, or *prevent any such legislature or government from treating differently different classes of British subjects.*"

(*a*) I, of course, except constitutional enactments which stand upon different footing.

But we must not have to depend for our constitutional power upon a saving clause; more especially one which stands in sharp contradiction of the main provision which it is supposed to qualify. One section of the bill declares that a naturalized subject shall "be entitled to all the political and other rights" etc., of "a natural-born subject", and the other section permits different treatment of these different classes. What will the courts make of that? At the present time, we have perfect control over everybody in Canada, and no one questions the unlimited scope of our authority. We cannot permit inroad upon that authority, and be told to save what we can under a skimpy saving-clause. We know perfectly well the wishes of the British government with reference to Hindus in Canada, and we shall (as we ought to) treat those wishes with the highest consideration and respect; but we cannot be asked to compromise the supremacy of our legislative authority, and to depend upon the Privy Council for a favorable interpretation of a saving-clause. Objection to Hindus does not meet with much sympathy in England.

II. *Canada's Authority*: Turning now to the clauses which relate to the power Canada is to have with reference to naturalization, their effect is as follows:

(1) Two kinds of naturalization are provided for—one complete and the other local.

(2) We are to have authority (if we wish) to confer complete naturalization, but only according to the regulations of an act of the British parliament, and in no other way.

(3) Our present authority as to complete naturalization is reduced to acceptance or refusal of the British statute.

(4) Various other subsidiary provisions are made.

I have said that the British government would probably assert that their draft bill extends, rather than diminishes our present legislative authority. That idea, however, proceeds upon a very easily displaced misconception. They appear to think that there is something in our constitution or our nature which, at the present time, prevents us conferring complete naturalization. It is said: (1) that colonial legislation can never have effect beyond the geographical limits of the colony; and (2) that, therefore, colonial naturalization can have effect only within colonial limits. There is a great deal of confusion in both statements. Let us examine them.

Extra-territoriality: In a report of a Britisn inter-departmental committee (1908), it is said that:

"a colonial legislature can only legislate for its own territory, and the operation of any colonial law is necessarily restricted to the boundaries of that colony" (*a*).

In one sense, that statement is undoubtedly correct; but in the same sense it is true of every parliament in the world. No legislature can legislate for territory other than its own. If it be suggested that the imperial parliament can, but colonial parliaments cannot, impose laws upon British subjects when in foreign countries, I reply: (1) by denying the correctness of the statement, and (2) by asserting its irrelevancy to the present subject.

(1) No parliament, British or other, can make its laws effective beyond its own jurisdictional limits—with the exception of the ocean, which belongs to nobody. And as to the sea, the British government admits that a colony can follow with its laws a colonial ship (and its crew) into all parts of the world. No colony ever got specific authority for that purpose. It passed as accessory to the right to enact laws for "the peace, order and good government" of the colony.

(2) Assertion of colonial incompetency is irrelevant, for no one suggests (as we shall see in a moment) that a colonial naturalization law would, by its own force, have any effect in a foreign country.

In another sense, the assertion is not true of any parliament. For although no legislature can make its laws effective beyond the limits of its own legislative jurisdiction, every legislature can, and does, pass laws which, by the comity of nations, are given effect to all over the world. For example, Canadian law regulates the rights of persons contracting in Canada, although the litigation about it takes place abroad. In other words, although Canadian law has, of its own force, no operation outside Canada, yet foreign courts, in all proper cases, recognize that the law gives to certain persons certain rights enforceable according to Canadian law in foreign countries.

Elucidation of the point which I am endeavoring to explain may be helped by reference to the analogy supplied by the subject of marriage. Canada's marriage laws are not, of course, in force in the United States; but if, by a proper proceeding under a Canadian statute, a mariage is solemnized in Canada, the status of the wife as a married woman will be recognized by all United States courts. Canadian corporation law furnishes another analogy. The operation of the colonial law is, in one sense, "necessarily restricted to the

(*a*) Cd. 5746-I, p. 238.

boundaries of the colony" but if a Canadian company engages in business in the United States, the statuts conferred upon the company of Canada will be recognized and upheld.

The application of all this to naturalization is obvious. Canada cannot—no country can—by its laws make an effective declaration as to anybody's status outside its legislative limits. But Canada can confer naturalization, and the status thus given will be *recognized* elsewhere. For recognition by the United States, indeed, we do not depend upon comity alone, for, by treaty, the United States has agreed that those of its citizens who have been, or shall become naturalized according to law within the British dominions shall be held by the United States

"to be in all respects British subjects and shall be treated as such by the United States."

Foolishly, we have never taken advantage of this treaty. We have never done more than to declare an American to be a British subject *in Canada.*

But if I am wrong in my view as to the present sufficiency of colonial authority, and if there be the technical weakness suggested, the remedy is not the assumption of jurisdiction by the British parliament to pass legislation applicable to Canada, but the removal of the defect. If we have no authority to confer complete naturalization, and if we are not to be trusted with the authority except under such limitations as those imposed by the draft bill, the proper method of carrying out the idea of the British Government is to bestow upon us such limited authority as it is deemed advisable that we should have; not to legislate for us. My point is that any authority with which we are to be endowed must be an authority to enact a law for ourselves, and not an authority to introduce into our country a law made by a parliament not our own.

An Objection: It has been suggested that the United Kingdom could not be expected to permit colonies to bestow complete naturalization, because of the international responsibility which it creates. The United Kingdom requires five years residence as a pre-requisite of naturalization. New Zealand requires none, and if all the self-governing dominions may confer naturalization indiscriminately, will not the responsibility of the United Kingdom be unfairly extended? There are various answers:

(1) The responsibility is negligible. If British subjects were a select fifty or sixty, we could readily understand the necessity for minute care with reference to addition to their numbers. But any difference between British and Canadian ideas as to fitness for citizenship cannot be thought to supply a reason for excluding those who reach our standard from association in an allegiance which embraces some hundreds of millions of all sorts and classes—millionaires and paupers, philanthropists and anarchists.

(2) At the present time if an alien naturalized in Canada should go to a foreign country, he is supplied with a passport

"ensuring to him the good offices of His Majesty's diplomatic and consular representatives" (a).

Technically the man, during his absence from Canada, would not be a British subject, but, nevertheless, he gets his passport. If he had been completely naturalized he would be treated in the same way.

(3) The only case in which British international responsibility would be increased would be in the possible event of a colonially naturalized alien appealing to the British government for armed protection, rather than for mere diplomatic good offices. Danger of that sort is not sufficiently imminent to justify asking our assent to political subordination.

(4) However, if I am wrong in saying that Canadian legislative authority is now complete, and if the suggestion which I have made are insufficient for the removal of objections to Canada receiving unqualified authority to deal with naturalization, there remains, in any case, our objection to the British parliament legislating for us. Let us receive such constitutional authority as we ought to have, and let us never assent to the creation of law in Canada except by ourselves.

Other Objections to the Bill. Among other objections to the proposed bill, it may be observed that while the bill perpetuates local naturalization, it provides not only (as we have seen) for complete naturalization, but for a mixture of the two sorts—an extraordinary new creation. For if Australia and Newfoundland should adopt the bill, and Canada and New Zealand should not, and if Australia conferred naturalization on a Frenchman, the recipient (according to the proposed bill) would be neither completely nor locally naturalized. He would be British in Australia (as before) and in the

(a) Br. Imperial Con. 1911. Cd. 5745, p. 228.

United Kingdom and Newfoundland (under the bill) but in Canada and New Zealand he would still be French. Sir Wilfrid's maxim at the recent imperial conference was, "A British subject anywhere; a British subject everywhere."

Summary: The proposed bill is objectionable, therefore, for the following reasons:

1. Because it contains legislation effective in Canada. It assumes to declare that persons naturalized in the United Kingdom shall have certain political rights and status in Canada.

2. Because our authority to deal as we wish with different peoples and races is at present admitted, and we cannot agree that it should be reduced to that which we may be able to convince the Privy Council is conserved to us by an ambiguous saving clause.

3. Because the bill provides for complete naturalization proceedings in Canada under its own provisions, and not under Canadian statute. Our assent, indeed, is needed; but, if we do not assent, we can never confer complete naturalization. And if we do assent, we come under the operation of a law not made by our own parliament.

4. Because we have already complete legislative authority with regard to naturalization, and the proposed bill reduces that authority to mere local naturalization.

5. Because it is absolutely essential for the good government of our country that we should have complete control over such an important subject as naturalization.

6. And because if our legislative authority is not now ample, it ought to be extended—not by offering to permit us to place ourselves under regulations made by the British parliament, but by enabling us to legislate for ourselves.

In the Future: Thus far I have written with strict regard to the nature of the political relations which now exist between the United Kingdom and the self-governing dominions. I now desire to call attention to the illustration which the whole discussion very forcibly affords of the futility of continuing to speak of those countries as forming parts of an empire. The difficulties that we have encountered arise solely from the fact that, instead of an empire, we have to deal, practically, although not nominally, with independent kingdoms. No one ever imagined that in an empire there could be anything but unity of citizenship—that there could be a variety of local laws providing for local citizenship. And it may be worth while to indicate the nature of the effect which would be

produced by a declaration of Canadian independence—by the fact that the United Kingdom and Canada had become separate kingdoms subject to the same king.

In that case Britons would be British subjects, and Canadians would be Canadian subjects. Each in the country of the other would retain his own status, but at the same time would not be an alien. In other words, a Canadian in England would be a Canadian, but would not be (as an American would) an alien.

If we were to be guided solely by Calvin's case, (*a*) we might be inclined to go further and say that the Canadian would rank in England as a natural-born subject there. Calvin was born in Scotland during the unions of the Crowns of England and Scotland, but prior to the parliamentary union of the countries (that is while they were separate kingdoms subject to the same king), and the English court held that he was, in England, a natural-born subject, and as such could hold lands here. "Legiance", it was said, "is a quality of the mind and not confided within any one place." Legiance was regarded as a personal relation between the king and the man, and a subject in one part of his realms must, therefore, be equally a subject in every part.

That was quite in accord with feudal conception, but the decision failed to supply answer to the further question which arose in the Stepney case (*b*), namely, if Hanoverians, born during the union of the crowns of the United Kingdom and Hanover, were natural-born subjects in England, what were they after the dissolution of that union? Plainly they could not, after the separation, continue to be British, and if from that it necessarily followed that, during the union, they could not have been, in all respects, natural-born subjects, all that could be said was (as per Lord Coleridge):

> "It has long been settled that while the crowns of two countries are held by the same person, the inhabitants of the two countries are not aliens in the two countries respectively."

After the declaration of Canadian independence, then, Britons and Canadians will be subject to the same king; each will have a distinct and seperate nationality; but neither of them will be aliens in the country of the other. We shall not be fellow-citizens, but we shall be fellow-subjects.

(*a*) Rul. Ca. Vol. 2, p. 575.
(*b*) 1886, 17 Q.B.D. p. 54.

COPYRIGHT.

The British government is proposing that the British parliament shall pass, with reference to copyright, legislation applicable to Canada of a character somewhat similar to that proposed with reference to naturalization. For reasons, however, that will shortly be mentioned, the proposal is one that we need quarrel with only upon the ground of suggestion which it contains of departure from our practice of self government.

With the exception of the conduct of our foreign relations, the only subjects of government with respect to which our legislative powers have been supposed, in late years, to be of limited character are naturalization, merchant shipping and copyright. I have shown that so far as naturalization is concerned, the supposition is not well founded, and that with reference to shipping we have not experienced any practical embarrassment. Copyright has been recently our only subject of quarrel, and, as in every other contest, our point is at last being conceded.

The trouble commenced with the passing of the imperial statute of 1842 (5 & 6 Vic. c. 45) which as Sir John Thompson afterwards said:

> "Was immediately attended to with great hardship and inconvenience in the North American Colonies" (*a*).

and which was assailed with most vigorous protests.

In 1846 Lord Grey acknowledged that British interference was indefensible, and announced that

> "Her Majesty's government proposes to leave to the local legislatures the duty and responsibility of passing such enactment as they may deem proper, for securing both the right of authors and the interests of the public" (*b*).

In his despatch of the 31st of July, 1868, the Duke of Buckingham and Chandos declared to the Governor-General that

> "the anomalous position of the question in North America is not denied" (*c*).

In 1892, in a most elaborate report, the imperial department officials said:

> "Admitting, as we must, that the present state of the Canadian law is unsatisfactory" etc. (*d*).

(*a*) Sass. Pap. (Can.) 1892, No. 81, p. 2.
(*b*) Ibid., p. 4.
(*c*) Ibid., p. 8.
(*d*) Sess. Pap. (Can.), 1894 No. 50, p. 14.

Lord Cranworth, in his judgment in Low *v* Bouverie (L.R. 3H. L. 100), said:

"That His Majesty's colonial subjects are by the statute deprived of rights they otherwise would have enjoyed, is plain."

Mr. Justice Moss (Smiles *v.* Belford, I Ont. App. 436) puts the matter fairly and tersely when he says that the effect of the law

"is to enable the British authorities to give an American publisher a Canadian copyright."

The principal trouble with which we had to contend was the attitude assumed by the United States. That country declined to grant copyright to any book unless the type from which it was printed was set within the United States. British copyright on the other hand was given to any book that was first published in the United Kingdom, and by "published" was meant merely "the issue of copies of the work to the public." No application to any official was necessary—no certificate was needed. An American offered his book for sale before issuing it elsewhere, and he had copyright *throughout the whole of His Majesty's dominions.*

Canada declared that that was unfair. We wanted to give American authors a taste of American law. But we were not permitted. It would really never, never do. The United States would not like it. And British authors made our position unnecessarily galling, for instead of arranging with a Canadian publisher for the supply of books for Canada, they sold Canadian territory to their United States publisher who made such terms as they pleased with Canadian houses.

The situation, therefore, was this:—

(1) An American author set his type at home, sent a few copies to London for sale, and thus secured copyright throughout the King's dominions. The Canadian copyright statute requiring him to do certain things and obtain a certificate was declared to be *ultra vires*—to be unconstitutional (*a*).

(2) If a British or Canadian author desired United States copyright he was obliged to set his type there. Afterwards he shipped his plates into Canada, and struck from them such copies as he wanted for the home market. I have myself done so.

(3) The Canadian market for British books was treated by British authors and publishers as an appendage of the American.

To remedy that humiliating state of things the Canadian parliament passed a bill (1889), but the Colonial Office refused to advise

(*a*) Smiles v. Belford, 1 Ont. A.R., 436; Imperial Book Co. v. Black, 35 Can. S.C. 488

the Queen to assent to it, and it remained inoperative. Sir John A. Macdonald was then the leader of our government, and he used, but unsuccessfully, all his influence in order to secure relief. Sir John Thompson (Minister of Justice and afterwards Prime Minister) went to England and presented (1891, 4) two able and exhaustive memoranda. He declared that "the present policy" resulted in

"making Canada a market for American reprints, and closing the Canadian press for the benefit of the American press" (*a*).

He declared that in Canada the belief was growing that "the present state of the law is odious and unjust". He requested that after so many promises and such long delay

"some step in advance should be taken towards removing Canadian grievances, beyond the mere routine of inquiries, reports and suggestions" (*b*).

And he demanded that Canada be permitted to withdraw from the Berne convention and act for herself, for, as he said:

"Canada has been repeatedly assured that her continuance in any treaty arrangements of this kind would be subject to her own desire to withdraw at any time, on giving the prescribed notice" (*c*).

His mission was fruitless. He could get nothing done. Downing Street was unmoved. Sir John's history of its misdoings, his protests and his demands were all properly labelled and filed, and the "regretable incident" was brought to a close.

Our subsequent quiescence is due, I believe, to the fact that British authors have come to terms with Canadian publishers (*d*), and that those men are indifferent as to the place in which the type is set. Indeed, I have some reason for knowing that they prefer printing and binding in the United States to paying higher prices for the work in Canada. The workmen do not seem to have quite understood the situation.

Our release is coming as a necessary incident of an international agreement made at Berlin in 1908, for the revision of the convention made at Berne in 1887, under which certain provisions were made for the reciprocal protection of authors. The new arrangements necessitate the passing of legislation in the various countries, and

(*a*) Sess. Pap. (Can.), 1892, No. 81, p. 15.
(*b*) Sess. Pap. (Can.), 1894, No. 50, p. 32.
(*c*) Ibid., p. 18.
(*d*) And to the fact that arrangement of that sort has been protected by our statute of 1900.

inasmuch as the day is passed in which the British parliament undertakes to legislate for the self-governing colonies, the Colonial Office finds itself under the necessity of seeking colonial concurrence and co-operation. Those were readily given but upon the terms only, that Canada was to have complete control over her own territories, and was to be free to do as she wished (*a*).

The bill which the British government proposes to present to the British parliament provides for what it calls "imperial copyright", by which is meant copyright throughout the King's dominions. But the act (when passed) is not to

"extended to a self-governing dominion unless declared by the legislature of that dominion to be in force therein."

Any Dominion, may, moreover, repeal

"all or any of the enactments relating to copyright passed by parliament (including this act) so far as they are operative within that Dominion."

We are invited to place ourselves under the provision of a statute of a parliament not our own. But we need not do so. And in any case our right now or at any time to repeal all British legislation so far as it affects us gives us complete control.

I am afraid that this Paper is not only unusually long, but unusually dry. I made it long so that I might at once get rid of all that I have to say of technical character. The succeeding numbers will, I hope, be of more general interest.

JOHN S. EWART.

OTTAWA, March, 1912.

(*a*) The Proceedings of the Imperial Copyright Conference 1910, printed in Cd. 5272.

THE KINGDOM PAPERS. NO. 9.

A REVISION OF WAR RELATIONS.

NO OBLIGATION WITHOUT REPRESENTATION.

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CONTAINED IN THIS PAPER
WILL BE OF SERVICE
IN THE
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A REVISION OF WAR RELATIONS.

NO OBLIGATION WITHOUT REPRESENTATION.

(In order to draw attention to the purpose for which quotations are employed, italics not appearing in the original, are sometimes made use of.)

IN the House of Commons, on 18th March last (1912), Mr. Borden announced that his government proposed, after consultation with the British authorities, to formulate a new naval policy, and that the policy

"shall be presented to parliament; and the people of this country shall be given an opportunity to pronounce upon it."(*a*).

Mr. Borden did not say whether the submission to the electors would be by way of referendum or by a general election, but, in view of the occurrences of the two previous sessions, there can be no doubt that it is an election, and an early election that is contemplated (*b*).

The programme will probably be something like this: Mr. Borden and Mr. Hazen will go to London and make, or at least try to make, some arrangement with the British government; parliament will meet as usual in November; a redistribution bill (rendered necessary by the recent census) will be introduced and passed; supply will be arranged; a navy bill will be introduced and carried to a second reading; parliament will be dissolved; election shortly afterwards.

Under these circumstances I make no apology for returning to the subject, and for offering to the readers of these Papers some further material for the formation of opinion. We are engaged in a REVISION OF WAR-RELATIONS WITH THE UNITED KINGDOM. If we are to act wisely, we must consider carefully.

(*a*) Hansard, p. 5463.

(*b*) In the session of 1910 (29 March) Mr. Monk's motion declaring that the navy bill, then under consideration, ought to be submitted to a plebiscite was negatived by an overwhelming majority, of which Mr. Borden and most of his followers were part. During the next session this fact was referred to by Mr. Borden's friends in refutation of the charge that he favored a plebiscite: See speeches of Mr. Blain, 25 November, 1910; p. 278, of Mr. Burrell, 28 November, Ib. p. 325; and of Mr. Sproule, 28 November, Ib. p. 334. Mr. Sam Hughes expressed himself as opposed on constitutional grounds to a plebiscite, (25 November, Ib. p. 294). And Mr. Burrell said "that it was an appeal to the people by a general election that the leader of the opposition emphatically urged last year," (28 November, Ib. p. 320).

A PERMANENT POLICY: Mr. Borden has not left us in doubt as to the character of the arrangements which he desires to make with the British government. He has always carefully distinguished between incidental action based upon emergent conditions, and a "permanent policy" for normal times. By a "permanent policy" he means a definition of relations between Canada and the United Kingdom with reference to war. Battleships or other aid, he thinks, might, upon the happening of some emergency, be presented offhand to the British government, but a "permanent policy" ought, because of its immense importance, to be submitted to popular vote before passing into law. It is this "permanent policy" that Mr. Borden proposes to arrange in London.

The distinction just alluded to, was made very clear in Mr. Borden's motion in the House of Commons on the 3rd February, 1910, in which he provided for the danger of the moment by offering immediately two battleships to the Admiralty, but at the same time declared:

"That no permanent policy should be entered upon, involving large future expenditures of this character, until it has been submitted to the people and has received their approval."

In his speech in support of his motion Mr. Borden emphasized the distinction. He said:

"I am as strong as any man in this country in the belief that it is the duty of Canada to participate UPON A PERMANENT BASIS in the defence of this Empire and to do our reasonable share in that regard. But I say that no attempt to force a policy of this kind upon the people of this country without giving them an opportunity to say yea or nay with regard to it, would be one of the worst mistakes that could be made by any man who really favored that policy. If my hon. friend was able, in very short metre indeed, in 1899, to respond to the popular will, there seems no reason why he should not to-day be equally ready to respond to the popular will upon this question. What the people of this country want, as far as any man can judge who has observed currents of public opinion, what the people of this country desire, is immediate and effective aid to the Empire, AND TO HAVE ANY PROPOSALS OF A PERMANENT CHARACTER VERY CAREFULLY CONSIDERED AND MATURED, AS THEY OUGHT TO BE CONSIDERED AND MATURED BEFORE ANY SUCH POLICY IS EMBARKED UPON, BECAUSE THERE ARE A GREAT MANY CONSIDERATIONS THAT MUST BE TAKEN INTO ACCOUNT" (*a*).

Referring in the next session to these remarks (24 Nov., 1910) Mr Borden said:

"We declared that before any permanent policy of this character, involving large and unknown future expenditures, was entered upon, it should be more

(*a*) Hans., 3 February, 1910, pp. 2989, 90. And see his remarks 21 November 1910 Hansard, pp. 35, 6.)

carefully considered and thought out, and should be submitted to the people of Canada for their mandate" (*a*).

Mr. Borden has declared not only in favor of the settlement of a permanent policy, but he has indicated, with his usual lucidity, the basis upon which alone that permanent policy can be arranged:

"I THINK THE QUESTION OF CANADA'S CO-OPERATION UPON A PERMANENT BASIS IN IMPERIAL DEFENCE INVOLVES VERY LARGE AND WIDE CONSIDERATIONS. IF CANADA AND ANY OTHER DOMINIONS OF THE EMPIRE ARE TO TAKE THEIR PART AS NATIONS OF THIS EMPIRE IN THE DEFENCE OF THE EMPIRE AS A WHOLE, SHALL IT BE THAT WE, CONTRIBUTING TO THAT DEFENCE OF THE WHOLE EMPIRE, SHALL HAVE ABSOLUTELY, AS CITIZENS OF THIS COUNTRY, NO VOICE WHATEVER IN THE COUNCILS OF THE EMPIRE TOUCHING THE ISSUES OF PEACE OR WAR THROUGH OUT THE EMPIRE? I DO NOT THINK THAT THAT WOULD BE A TOLERABLE CONDITION; I DO NOT THINK THE PEOPLE OF CANADA WOULD FOR ONE MOMENT SUBMIT TO SUCH A CONDITION. Shall members of this House, representative men, representing 221 constituencies of this country from the Atlantic to the Pacific, shall no one of them have the same voice with regard to those vast imperial issues that the humblest taxpayer in the British Isles has as this moment. It does not seem to me that such a condition would make for the integrity of the Empire, for the closer co-operation of the Empire regard must be had to these far reaching considerations. A PERMANANT POLICY WOULD HAVE TO BE WORKED OUT; AND WHEN THAT PERMANENT POLICY HAD BEEN WORKED OUT AND EXPLAINED TO THE PEOPLE OF CANADA, TO EVERY CITIZEN IN THIS COUNTRY, THEN IT WOULD BE THE DUTY OF ANY GOVERNMENT TO GO TO THE PEOPLE OF CANADA TO RECEIVE THEIR MANDATE AND ACCEPT AND ACT UPON THEIR APPROVAL OR DISAPPROVAL OF THAT POLICY" (*b*).

That is clear, logical and satisfactory: Before building warships, we ought to know, precisely, what we intend to do with them; that depends upon our war-relation to the United Kingdom; our war-relation has never been defined; it ought to be settled, and settled upon the basis that our co-operation in British wars depends upon our admission to a share in the control of the issues of peace and war: NO OBLIGATION WITHOUT REPRESENTATION; and revision of our relations, whatever its nature, ought not to become effective until it has been submitted to popular vote.

The Laurier government did not admit that the creation of a navy affected our war-relation with the United Kingdom, and consequently denied the propriety of a submission to popular vote. For their view, no doubt, something can be said: We have already our land forces, why can we not add sea-forces without involving ourselves in discussion of our co-operation in British wars? Over

(*a*) Hans., pp. 226,7. And see Mr. Burrell's summary of the conservative position, 28th November, 1910, Hans., p. 325.)
(*b*) Hans., Nov. 24, 1910, pp. 227,8.)

our own ships, as over our soldiers, we have retained perfect control, why should we raise difficult and perhaps unsolvable difficulties?

UNANIMOUS AGREEMENT: The answers offered by Mr. Borden's supporters to the questions just suggested will appear in subsequent pages. Meantime it will be convenient to point out that upon the main point, NO OBLIGATION WITHOUT REPRESENTATION, there is perfect unanimity of opinion. Mr. Borden's enunciation of it was not the first nor the hundred and first time that it had been declared. Very probably, indeed, he had in mind, at the moment of speaking, the declaration of the Nationalist party at Montreal, of a few days before, and intended, by what he said, to make a public announcement of his acceptance of that declaration. (*d*). It may be of some service to Mr. Borden in his negotiations, as well as of some interest to others, to bring together some proofs of the unanimity of opinion by which the principle is supported:

One of the original declarations of the Imperial Federation (Defence) League (1894) was as follows:

"That if the self-governing colonies take their share in the cost of such a system of defence (maritime defence), THEY MUST HAVE A PROPORTIONATE SHARE IN ITS ADMINISTRATION AND CONTROL."

The League in the same year presented a memorial to the British Government urging that

"the occasion of the Conference should be seized for the establishment of a system whereby all self-governing countries of the Empire shall contribute to a common imperial fund", for the purpose of imperial defence "PROVIDED THAT ARRANGEMENTS ARE MADE BY WHICH THOSE COUNTRIES CAN ALSO SHARE IN THE ADMINISTRATION OF THE FUNDS SO PROVIDED" (*b*).

In 1892, Lord Brassey (at one time Vice-President of the Imperial Federation League, and, at another, Civil Lord of the Admiralty) having become convinced that proposals for representation in the parliament of the United Kingdom were impracticable said:

"In view of these objections to any scheme of representation, we can hardly claim to receive contributions from the colonies to the imperial exchequer" (*c*).

In 1900, Sir Wilfrid Laurier speaking in the House of Commons said (March 13):

(*a*) Mr. Pelletier (a Nationalist and now Postmaster General) afterwards (18 March, 1912; Hans., p. 5431) said of Mr. Borden's declarations that they "were perfectly satisfactory to us and. . . . satisfactory to the Province of Quebec." They, no doubt, formed the basis of the understanding between Mr. Borden and the Nationalists.

(*b*) The *Times*, June 29, 1894.

(*c*) Nineteenth Century, January, 1892, p. 96.

"But I have no hesitation in saying to my hon. friend that if as a consequence of our action to-day, the doctrine were to be admitted that Canada should take part in all the wars of Great Britain and contribute to the military expenditure of the Empire, I AGREE WITH HIM THAT WE SHOULD REVISE THE CONDITIONS OF THINGS EXISTING BETWEEN US AND GREAT BRITAIN. If we were to be compelled to take part in all the wars of Great Britain, I have no hesitation in saying that I agree with my hon. friend that, SHARING THE BURDEN, WE SHOULD ALSO SHARE THE RESPONSIBILITY. Under that condition of things, which does not exist, we should have the right to say to Great Britain: 'IF YOU WANT US TO HELP YOU, CALL US TO YOUR COUNCILS: IF YOU WANT US TO TAKE PART IN WARS, LET US SHARE NOT ONLY THE BURDENS BUT THE RESPONSIBILITIES AND DUTIES AS WELL'. But there is no occasion to examine this contingency this day" (*a*).

In 1902, Sir Wilfrid in reply to demands, at the Colonial Conference for contributions and contingents, based his refusal upon

"a belief that the acceptance of the proposals would entail an important departure from the principle of colonial self-government" (*b*).

In 1907, the British government officially abandoned Mr. Chamberlain's view that the colonies ought to contribute although not sharing in control, and Canada learned, with the greatest satisfaction, from the opening speech of the British Prime Minister, that the Canadian principle of colonial self-government, even with reference to war, had been accepted by the imperial authorities. Sir Henry Campbell-Bannerman said that:

"THE COST OF NAVAL DEFENCE AND THE RESPONSIBILITY FOR THE CONDUCT OF FOREIGN AFFAIRS HANG TOGETHER. . . . . YOU IN COMMON WITH US ARE REPRESENTATIVES OF SELF-GOVERNING COUNTRIES"(*c*).

In the same year, Mr. Sam Hughes (now Minister of Militia) a most ardent Imperialist said:

"There is another school that has arisen, the advocates of which are just as much entitled to their views as any of us are, and that school believes that we should contribute men and money from the colonies for the up-building of the British Empire. THAT FALLS TO THE GROUND BECAUSE WE HAVE NO REPRESENTATION IN THE BRITISH PARLIAMENT, AND THE PRINCIPLE IS DEAR TO THE HEART OF EVERY COLONIAL THAT TAXATION CARRIES THE RIGHT TO REPRESENTATION. I MAINTAIN, THEREFORE, SIR, THAT THAT SCHEME IS ONE THAT CANNOT BE ENTERTAINED" (*d*).

During the same debate, Mr. Thos. Chisholm (also a strong Imperialist) said:

(*a*) Hans., p. 1846.
(*b*) Proceedings, p. 73.
(*c*) Proceedings, p. 5.
(*d*) Hans., 11 Feb., 1907, p. 2845.

"Thus it is suggested that Canadians, many of whom live thousands of miles from the ocean, should pay a kind of ship-money to Britain. Yet, we have always understood that it was a fundamental British principle that those who pay the taxes and provide the money should have a voice themselves, or through their representatives, in the expenditure of that money. Yet in direct violation of that British principle it is suggested that Canadians should contribute to Great Britain's navy which they have no means of controlling; that they should assist in British wars which they have no means of preventing; and that they should do all this without having any voice in the expenditure of the money which they themselves would contribute for these purposes. Do THE INHABITANTS OF GREAT BRITAIN IMAGINE THAT CANADIANS WILL SUBMIT TO SOMETHING WHICH THEY WOULD NOT TOLERATE THEMSELVES? IF CANADIANS DID SO THEN THE TERM 'ONLY A COLONIAL', WOULD CERTAINLY BE APPROPRIATE" (*a*).

In 1909, Sir Charles Tupper (in theory an Imperialist but in action a Nationalist) wrote a letter to Mr. Borden in which, referring to Canadian contributions to the Boer War, he said:

"But I did not believe then, as I do not believe now, in TAXATION WITHOUT REPRESENTATION. The demand which will soon be made by some that Canada should contribute to the imperial navy in proportion to population, I REGARD AS PREPOSTEROUS AND DANGEROUS" (*b*).

In 1910, at a very enthusiastic meeting of Quebec Nationalists in Montreal (9 Nov.) in celebration of the Nationalist victory in Drummond-Arthabaska, a resolution was adopted declaring that the meeting:

"considers as ,contrary to the principle of Canadian autonomy and to the real unity of the Empire, any policy tending to impose upon Canada, that has no voice in the government of the Empire, any share in its external responsibilities and its military defence outside of the Canadian territory—the only portion of the Empire upon which the Canadian people may exercise any political or constitutional action" (*c*).

Fifteen days afterwards, Mr. Borden in the House of Commons delivered the speech above quoted.

Shortly after Mr. Borden's speech, Sir Wilfrid heartily endorsed it (29 Nov. 1910):

"Noble sentiments again, wise policy" (*d*).

A PERMANENT POLICY: Mr. Borden takes with him, then, to London, the undoubted assurance of unanimous concurrence in the

(*a*) Ibid., p. 2864.
(*b*) The letter was published in the Ottawa *Citizen*. I have not the date.
(*c*) Quoted in Mr. Bourassa's pamphlet: *Why the Navy Act should be Repealed*. p. 57.
(*d*) Hans., 29 Nov. 1910, p. 455.

basis upon which, alone, permanent arrangements can be made with the United Kingdom.

It has no reference, of course, to methods of co-operation either during war or in preparation for war. That has already been worked out pretty elaborately by the Imperial General Staff.

It has no reference to the proposed establishment of an Imperial Naval Staff, with the duty of studying naval problems. That is but the application to the navy, of the idea of the Imperial General Staff.

It has no reference to unity of command of the joint forces, both military and naval, in time of war. That has already been provided for by the statutes.

It has no reference (except indirectly) to the classes or number of ships which we shall build. We already have the opinion of the Admiralty upon that point, and the assurance of further advice whenever we desire to obtain it.

All these are matters of a character entirely distinct from that which Mr. Borden has in hand. These relate to the preparations for war, and to war operations. They are matters for the experts of the Admiralty and the War Office. It was not to working details that Mr. Borden referred when he said that

"the question of Canada's co-operation upon a permanent basis in imperial defence involves very large and wide considerations" (*a*).

nor when he required as a condition of our co-operation a

"voice....in the councils of the Empire relating to the choice of peace or war throughout the Empire."

With that choice, the Admiralty and the War Office have nothing to do. They have charge of the fighting, not of the diplomacies. It is not to them, but to the British government that Mr. Borden will present his alternative of NO OBLIGATION WITHOUT REPRESENTATION. And from the British government, and not from the Admirals and Generals must come the answer.

POLICY OF THE LAURIER GOVERNMENT.

With a view of enabling readers of these Papers to appreciate the present situation, I shall submit to them a short account of the principle points in the history of the question under discussion, first dealing with the negotiations between Canada and the British

(*a*) Ante, p. 245.

authorities, and afterwards supplying extracts from the opinions and arguments advanced in our domestic debates. But before doing so, and in order that what shall be said may be better appreciated, it will be well to indicate the general character of the policy of the Laurier government and to compare it with that of the present government.

Sir Wilfrid always maintained, with absolutely unbroken consistency, our right to control our own forces, and to join in or, refrain from, war operations as we pleased. Again and again at the Conferences, sometimes alone but more frequently after gaining the support of the other colonies, he declined to make any abatement, no matter how apparently insignificant, from the principle of self-government; and to Mr. Chamberlain's various entangling proposals he always returned a courteous, but a perfectly explicit negative:

Will Canada send cash contributions to the British navy (1887 and 1897)? No.

Will Canada agree to interchange regiments in time of peace with a view to sharing "in the dangers and the glories" in time of war (1897)? No.

All the other colonies are sending their cheques (1902). The British navy protects Canada. If Canada were independent, she would have to build a navy fit to cope with the United States (so Sir Wilfrid was told). "The weary Titan" cannot indefinitely keep up the strain. Will Canada not send cheques? No. Canada will take over the management and expense of Halifax and Esquimault, and will consider the construction of ships of her own.

Will Canada promise to send military contingents in case of European war (1902)? No. The matter will be considered "when the need arises."

Will Canada set apart certain of her forces for foreign service, if the United Kingdom will contribute to their pay (1902)? No.

And why not? Because (1902)

"acceptance of the proposals would entail an important departure from the principle of colonial self-government" (*a*).

All Canadians concurred in these refusals and in the reason given for them. No motion challenging any of them was ever moved by any of Sir Wilfrid's political opponents. Everybody agreed that the negative answers were the right answers.

Difference between the Parties: Where then is there any difference between the policies of the two parties?

(*a*) Proceedings, Col. Confce., 1902, p. 73.

They both condemn annual cash contributions. The House of Commons unanimously agreed (29 March, 1909) to the following:

"This House reaffirms the opinion repeatedly expressed by representatives of Canada that, under the present constitutional relations between the mother country and the self-governing dominions, the pyament of any stated contribution to the imperial treasury, for naval and military purposes, would not, so far as Canada is concerned, be a satisfactory solution of the question of defence" (*a*).

And Mr. Borden during the debate expressed his perfect accord with the resolution.

Both political parties desire the construction of a Canadian navy. That, too, was unanimously agreed to on 29th March, 1909, and Mr. Borden said as follows:

"In so far as my right hon. friend the Prime Minister to-day outlined the lines of naval defence of this country I am entirely at one with him. I am entirely of opinion, in the first place, that the proper line upon which we should proceed in that regard is the line of having a Canadian naval force of our own. I entirely believe in that" (*b*).

The point upon which the policies of the two parties differ is merely the chronological order in which things are to be done. The Laurier Government was proceeding with the establishment of a navy, and was associating itself with the British Admiralty and War Office in preparations for war, without having defined the war-relations between the countries; without any agreement for co-operation in the event of war; indeed, while declaring that Canada might or might not engage in war.

The Borden Government contend that definition and agreement ought to come first; that the character of the ships to be built depends upon the nature of our war-relation with the United Kingdom; and that association with the British authorities in preparations for war deprives us of the liberty which we imagined we were reserving. It is urged that Sir Wilfrid allowed himself to be compromised and his freedom of action embarrassed in three ways:

(1) By concurring in the inclusion of Canada in the Imperial Defence Committee, and by attendance, at its meetings, of Canadian representatives.

(2) By agreeing to the constitution of the Imperial General Staff, and by the formation of a Canadian section of that body.

(3) By acceptance of the confidences of the British Foreign Secretary with reference to his foreign policy.

(*a*) Hans., 1909, p. 3512.
(*b*) Hans., p. 3517.

In Mr. Borden's view, construction of ships and preparative association ought to be preceded by a settlement of the relation between the countries.

"In other words, instead of formulating a policy first and thinking about it afterwards, we will think about it first and formulate it afterwards" (*a*).

Sir Wilfrid refrained from bringing the question of the war-relations of the countries to sharp issue. He pursued the course of least resistance, protecting himself by repeated assertions of our freedom to engage in, or to refrain from war. And if, meanwhile, he was to some extent being compromised, he probably felt so long as we were holding out to the United Kingdom the probability of assistance, we could not very well decline to accede to proposals which would render that assistance more effective.

If I may interject here an expression of my own views, I would say that I have always doubted whether an agreement for joint diplomacy is possible; (*b*) and that I have frequently urged that possibly an agreement in the nature of an alliance could be made. The Foreign Offices of the United Kingdom and Japan could not conduct their diplomacies jointly; but they can agree, and have agreed, for joint support in certain eventualities. I have suggested the possibility of such an agreement between Canada and the United Kingdom, and have said:

"In that case, both parties would acquire the immense advantage of knowing what was going to happen. At present neither of us knows, and neither of us will say. That is not only unsatisfactory and stupid, but unnecessarily dangerous" (*c*)

Sir Wilfrid may have thought that both Mr. Borden's scheme and my suggestion (*d*) were impracticable,
and that to put them forward would be to get an embarrassing refusal such as Sir Joseph Ward received to his proposal (at the 1911 conference) for

"an Imperial Council of State, ... in theory and in fact advisory to the Imperial Government in all questions affecting the interests of His Majesty's dominions oversea" (*e*).

Mr. Asquith's reply was as follows:

"For what does Sir Joseph Ward's proposal come to? I might describe the effect of it without going into details in a couple of sentences. It would impair'

(*a*) Hans., 18 March, 1912, p. 5461.
(*b*) Ante., p. 86.
(*c*) Ante, p. 18. And see p. 151.
(*d*) I have myself pointed out its difficulties, ante., pp. 137, 152.
(*e*) Proceedings, p. 46.

if not altogether destroy, the authority of the government of the United Kingdom in such grave matters as the conduct of foreign policy, the conclusions of treaties, the declaration and maintenance of peace, or the declaration of war, and, indeed, all those relations with foreign powers, necessarily of the most delicate character, which are now in the hands of the imperial government, subject to its responsibility to the Imperial Parliament. THAT AUTHORITY CANNOT BE SHARED, AND THE CO-EXISTENCE SIDE BY SIDE WITH THE CABINET OF THE UNITED KINGDOM OF THIS PROPOSED BODY—IT DOES NOT MATTER BY WHAT NAME YOU CALL IT FOR THE MOMENT—CLOTHED WITH THE FUNCTIONS AND THE JURISDICTION WHICH SIR JOSEPH WARD PROPOSED TO INVEST IT WITH, WOULD, IN OUR JUDGMENT, BE ABSOLUTELY FATAL TO OUR PRESENT SYSTEM OF RESPONSIBLE GOVERNMENT" (*a*).

Rather than evoke such a reply, Sir Wilfrid agreed to arrangements which, so far as they may prove embarrassing to us, may be regarded as encroachments upon our maxim, NO OBLIGATION WITHOUT REPRESENTATION. For myself, however, fully familiar as I am with the great difficulties of the situation, I not only do not blame Sir Wilfrid, but I gladly offer to him the expression of my unbounded admiration of the extraordinary diplomatic skill with which he brought us, unscathed, through all the Chamberlain attacks upon our autonomy: an Imperial Council; an Imperial Court of Appeal; contributions to the navy; military contingents, etc., etc. (*b*). Mr. Chamberlain was a strong man and made imperialism (especially after the Boer war) his life work. Off Sir Wilfrid, he never scored a single run.

Against the indirect attack of Mr. Chamberlain's successors, Sir Wilfrid found that defence was more difficult. He had to choose between ultimatum and compromise. He chose the latter. Had he done otherwise, he might have evoked strong dissent in Canada. Mr. Borden is in a more favorable position, for not only is he certain of freedom from political opposition, but Imperialists will take from him that which they might shy at if offered by Sir Wilfrid.

NEGOTIATIONS WITH THE BRITISH GOVERNMENT.

PRESENT RELATIONS: In order that the history of the negotiations may be understood and that we may better appreciate the validity of the contention that our war-relation to the United Kingdom is being changed and ought to be settled by popular vote, we must first know what that relation has been.

(*a*) Ibid, 71.

(*b*) I am grateful, too, for the abstention of criticism of Sir Wilfrid by his political opponents. They could easily have made his task very much more difficult than it was, and perhaps impossible. See remarks of Mr. Monk in the House of Commons, 22 Nov., 1910, Hans., pp. 122, 123.

Originally, European colonies were treasure-spots exploited for metropolitan benefit, and the colonists were no more concerned with the contests over their ownership than were an Irishman's chickens with his scraps at Donneybrooke Fair. If they were attacked, they pecked and clawed as best they could. But that was all they could do and all that was expected of them.

"How long ago was that?" Well, in a memorandum of the Colonial Defence Committee 1896, there was the following:

"The maintenance of sea supremacy has been assumed as the basis of the system of imperial defence against attacks from over the sea. This is the determining factor in shaping the whole defensive policy of the Empire, and is fully recognized by the Admiralty, WHO HAVE ACCEFTED THE RESPONSIBILITY OF PROTECTING ALL BRITISH TERRITORY ABROAD AGAINST ORGANIZED INVASION FROM THE SEA. To fulfilth is great charge, they claim the absolute power of disposing of their forces in the manner they consider most certain to secure success, and object to limit the action of any part of them to the immediate neighbourhood of places which they consider may be most effectively protected by operating at a distance" (*a*).

Still later, in 1902 (at the Conference of that year) a memorandum of the War Office contained the following:

"Piror to the outbreak of the war in South Africa, so far as any general scheme for the defence of the Empire as a whole had been considered, IT WAS ASSUMED THAT THE MILITARY RESPONSIBILITIES OF OUR GREAT SELF GOVERNING COLONIES WERE LIMITED TO LOCAL DEFENCE, AND THAT THE ENTIRE BURDEN OF FURNISHING RE-ENFORCEMENTS TO ANY PORTION OF THE EMPIRE AGAINST WHICH A HOSTILE ATTACK IN FORCE MIGHT BE DIRECTED MUST FALL ON THE REGULAR ARMY. There may possibly have been some pious hope that in time of need the colonies might rally to the mother country, but NO DEFINITE ARRANGEMENTS WERE MADE, NOR WERE INQUIRIES EVEN ON FOOT AS TO WHETHER SUCH AID MIGHT BE EXPECTED, AND IF SO, IN WHAT STRENGTH. Indeed, the necessity for it was by no means realized, and its reliability was doubted."

That document accurately expressed our relations to the United Kingdom prior to 1914. Since it was written "inquiries" as to "whether such aid might be expected" have been made, but we have always declined to commit ourselves by promises. No "arrangements" have been made. We have assumed no obligations, and we shall not do so until we have a share in control of "the choice of peace or war"

THE CONFERENCES: 1887 "But were not some of the colonies sending contributions to the British navy before 1902?" Yes, at the

(*a*) This last sentence was aimed at the existing arrangement with Australasia, the effect of which will be explained in the text. The whole memorandum is printed in an Appendix to Mr. Bourassa's pamphlet *Why the Navy Act should be repealed*, p: 47. See also p. 12 of the pamphlet, and Can. Hans., 1909, p. 3013.

Conference of 1887, an agreement was made by the British government with Australia and New Zealand, by which the British government agreed to add five cruisers and two torpedo boats to the Australasian squadron—not to be removed except "with the consent of the colonial government"; and that for such service the colonies should pay £126,000 per annum (*a*). That was the commencement of what has been called colonial contributions to the British navy. It was an agreement for defence by so many ships for so much money. The ships were provided and the money was paid. Canada had no apprehensions of invasion; made no request; paid nothing; and got nothing.

1897: At the Conference of 1897, Cape Colony agreed to become a contributor to the British navy; and Mr. Chamberlain in astute and diplomatic way suggested the commencement of military co-operation under cover of

> "a proposal which may be described as the interchangeability of military duties. To put it into plain English, it means this: that, for instance, a Canadian regiment should come to this country, take up its quarters for a period of time, at least twelve months, with the British army; and form, during the whole time that it is in this country, a part of the British army; and that in return a similar regiment of British troops, or a birgade of artillery or cavalry, should go to Canada and should reside and exercise with the Canadian army, and form a part of that army" (*b*).

After referring to the advantage of the proposal to Canadian troops, Mr. Chamberlain continued:

> "But my imagination goes even further. It seems to me possible that although in the first instance the idea is that such a regiment coming to this country would come solely for that purpose and would not be engaged in military operations, yet if it were their wish to share in the dangers and the glories of the British army and take their part in expeditions in which the British army may be engaged, I see no reason why these colonial troops should not, from time to time, fight side by side with their British colleagues. That, however, is a matter wnich, like everything else which I am putting before you, is not a recommendation which has any pressure behind it; it is merely a suggestion to be taken up by you voluntarily if it recommends itself to your minds" (*c*).

1902: Down to the date of the Conference just dealt with, the idea of Canada being under any obligation, politically or morally, to supply troops for British wars, had never entered the mind of any British statesman. Mr. Chamberlain had, as we have seen from his

(*a*) See Proceedings, p. 508; and the Appendix, p. 213.
(*b*) Proceedings, 1897, p. 9.
(*c*) Ibid, pp. 9, 10.

language, no such thought. He acquired it very soon afterwards, and urged it, at the Conference of 1902, in offensive form.

For this change of attitude, we have to thank the Boer war, by which Mr. Chamberlain got himself into tremendous difficulty. He needed men, and he needed money. He was sorely pressed, and to the colonies and to Canada in particular he displayed his irritation. He compared the amount expended in the war by the United Kingdom with the disbursements of the colonies. He showed that if Canada had contributed in the same proportion as the United Kingdom, she would have supplied over 40,000 men and over 150,000,000 dollars, instead of the very few thousands and millions which she actually provided.

"Now", he said, "no one, I think, will pretend that this is a fair distribution of the burdens of empire".

"And I think, therefore, you will agree with me that it is not unreasonable for us to call your serious attention to a state of things which cannot be permanent. I hope that we are not likely to make upon you any demand which would seem to you to be excessive. We know perfectly well your difficulties, as you probably are acquainted with ours. Those difficulties are partly political, partly, principally probably, fiscal difficulties. The disproportion to which I have called your attention cannot, under any circumstances, be immediately remedied, but I think that something may be done—I hope that something will be done—to recognize more effectually than has hither been done the obligation of all to contribute to the common weal" (*a*).

Mr. Chamberlain said nothing about our correlative right to participate in control. He said that it was

"inconsistent with their dignity as nations that they should leave the mother country to bear the whole, or almost the whole, of the expense."

but he failed altogether to recognize the indignity of the position to which he wished to assign us—that of mere tribute-payers under obligation without representation.

Nevertheless he secured some success. All the colonies, except Canada, agreed to contribute. To shame us, the following statement showing the relative contributions was produced:

	Population	Naval Contribution Per Caput Per Annum Per Annu.
United Kingdom	41,454,621	15.2
Cape Colony	538,000	1.10¾
Commonwealth of Australia	3,765,805	1.0‡
Dominion of Canada	5,338,883	Nil
Natal	64,951	10.9½
Newfoundland	210,000	0.3½
New Zealand	772,719	1.0¼

(*a*) Proceedings, Cd. 1299, p. 5

Canada took the rebuke with becoming humility (*a*). She knew she was right.

Mr. Chamberlain's address was followed by a memorandum from the Colonial Defence Committee, in which they said:

"For those reasons the Colonial Defence Committee earnestly hope that the great self governing colonies may be able to give some assurance as to the strength of the contingents which they should be able to place at the disposal of His Majesty's government for extra-colonial service in a war with a European power."

A proposal of that sort might well have been sharply resented. It was not, but the reply was at all events specific and clear:

"The representatives of Canada and Australia were of opinion that the best course to pursue was to endeavour to raise the standard of training for the general body of their forces, to organize the departmental services and equipment required for the mobilization of a field force, leaving it to the colony WHEN THE NEED AROSE, to determine how and to what extent it should render assistance."

The Committee tried another plan. Would not the colonies organize forces specially for foreign service—more particularly if the United Kingdom would pay part of the expense? (Would Canada sell a few soldiers?) No. Canada will make no promises. Canada has self-government and prizes it. She cannot in advance assume a general obligation. She answered in this way:

"The Canadian ministers regret that they have been unable to assent to the suggestion made by Lord Selborne respecting the navy, and by Mr. St. John Brodrick respecting the army. The ministers desire to point out that their objections arise, not so much from the expense involved, as from a belief that THE ACCEPTANCE OF THE PROPOSALS WOULD ENTAIL AN IMPORTANT DEPARTURE FROM THE PRINCIPLE OF COLONIAL SELF-GOVERNMENT."

1907: The Colonial Conference of 1907 brought Canada's justification. In the opening speech the Prime Minister (Campbell-Bannerman) made only one remark about it, but he covered the whole ground:

"On this I may say that I think the VIEWS SOMETIMES TAKEN OF THE PROPER RELATIONS OF THE COLONIES TO THE MOTHER COUNTRY WITH RESPECT TO EXPENDITURE ON ARMAMENTS HAVE BEEN, OF LATE, SOMEWHAT MODIFIED. WE DO NOT MEET YOU TO-DAY AS CLAIMANTS FOR MONEY, although we cordially recognize the spirit in which contributions have been made in the past, and will, no doubt, be made in the future. It is, of course, possible to overestimate the importance of the requirements of the oversea Dominions as a factor in our expend-

(*a*) It was at the 1902 Conference that Canada offered to take over the control and to de fra the expense of the naval establishments at Halifax and Esquimault.

iture: but however this may be, THE COST OF NAVAL DEFENCE AND THE RESPONSIBILITY FOR THE CONDUCT OF FOREIGN AFFAIRS HANG TOGETHER . . . . YOU IN COMMON WITH US ARE REPRESENTATIVES OF SELF GOVERNING COMMUNITIES" (*a*).

The British government, it will be seen, had been completely converted to the Canadian view NO OBLIGATION WITHOUT REPRESENTATION—and inasmuch as they did not intend to propose sharing "responsibility for the conduct of foreign affairs". they suggested that, instead of cash contributions—

"It would be of great assistance if the colonial governments would undertake to provide for local service, in the imperial squadrons, the smaller vessels that are useful for defence against possible raids, or for co-operation with a squadron" (*b*).

That of course was a very different proposition. It embraced two proposals: (1) that the Dominions should commence the construction of local navies, and (2) that those navies should be placed at the disposal of the British government in case of war. To the first of these, Canada was prepared to assent. Acceptance of the second was precluded by the principle enunciated by the British Prime Minister that

"the cost of naval defence and the responsibility for the conduct of foreign affairs hang together."

—for the principle is, of course, equally applicable whether the cost be incurred by handing over cheques or by handing over ships.

I have said that the British Government had been converted to the Canadian view. Australia had had the same experience, and, through its Prime Minister, Mr. Deakin, voiced its views in this way:

"In Australia, for reasons which have already been put on record in the despatch which I had the honor of addressing to the Admiralty about two years ago, the existing contribution has not proved generally popular. It was passed because it was felt that some distinct recognition of our responsibility for the defence of our own country and of the Empire of which it is a part, was necessary, and though it did not take the form which commended itself most to the very large minority, possibly even a majority of the electors, we accepted that mode of co-operation until some better presented itself. FURTHER CONSIDERATION HAS CONVINCED THE PUBLIC THAT THE PRESENT AGREEMENT IS NOT SATISFACTORY EITHER TO THE ADMIRALTY, THE POLITICAL OR PROFESSIONAL LORDS OF THE ADMIRALTY, OR TO THE PARLIAMENT OF THE COMMONWEALTH" (*c*).

"For our part, Lord Tweedmouth, your overture will be made known in the Commonwealth. Your words of counsel and approval will be very highly

(*a*) Proceedings, p. 5.
(*b*) Ibid, p. 130.
(*c*) Ibid, p. 473.

esteemed. WE RECOGNIZE THIS AS A FURTHER STEP IN THE EXERCISE OF OUR SELF GOVERNING POWERS, WITH WHICH ARE PROPERLY ATTACHED THE RESPONSIBILITIES WHICH CAN NEVER BE DISSOCIATED FROM THEM" (*a*).

Nothing could have been more satisfactory and conclusive than this concurrence of opinion as to the propriety of the application, to our naval relations and responsibilities, of this well-known and well-tried principle. NO OBLIGATION WITHOUT REPRESENTATION appears to be agreed to by everybody.

THE CONFERENCE OF 1909: At the special Conference of 1909, the character of the ships to be constructed by the colonies was discussed. The Admiralty proposed that

"a Dominion government desirous of creating a navy should aim at forming a distinct fleet unit; and the smallest unit is one which, while manageable in time of peace, is capable of being used in its component parts in time of war."

"The fleet unit to be aimed at should, therefore, in the opinion of the Admiralty, consist at least of the following:—

1. Armoured cruiser (new "Indomitable" class, which is of the "Dreadnought" type).
2. Unarmoured cruisers ("Bristol" class).
3. Destroyers.
4. Submarines with the necessary auxiliaries, such as depot and store ships, &c., which are not here specified."

"Such a fleet unit would be capable of action not only on the defence of coasts, but also of the trade routes, and would be sufficiently powerful to deal with small hostile squadrons, should such ever attempt to act in its waters" (*b*).

After discussion, this proposal was modified and the conclusion arrived at was expressed as follows:

"As regards Canada, it was considered that her double seaboard rendered the provision of a fleet unit of the same kind unsuitable for the present. It was proposed, according to the amount of money that might be available, that Canada should make a start with cruisers of the "Bristol" class, and destroyers of an improved River class—a part to be stationed on the Atlantic seaboard and a part on the Pacific" (*c*).

1911: The understanding arrived at during the Conference of 1911 was embodied in the following memorandum: It is of historical importance and although long must be given in full:

1. "The naval services and forces of the Dominions of Canada and Australia will be EXCLUSIVELY under the control of their respective governments.

(*a*) Ibid., p. 475. Mr. Moore of Natal wanted some arrangement other than "a cold lump sum voted on our estimate for which we have no actual evidence as directly concerning the people we represent." Ibid., p. 146.
(*b*) Corr. and Papers, Cd. 4948, p. 21, 2.
(*c*) Ibid, p. 20.

2. The training and discipline of the naval forces of the Dominions will be generally uniform with the training and discipline of the fleet of the United Kingdom, and, by arrangement, officers and men of the said forces will be interchangeable with those under the control of the British Admiralty.

3. The ships of each Dominion naval force will hoist at the stern the white ensign as the symbol of the authority of the Crown, and at the jack-staff THE DISTINCTIVE FLAG OF THE DOMINION.

4. The Canadian and Australian governments will have their own naval stations as agreed upon from time to time. The limits of the stations are as described in Schedule (A), Canada, and Schedule (B), Australia.

5. In the event of the Canadian or Australian government desiring to send ships to a part of the British Empire outside of their respective stations, they will notify the British Admiralty.

6. In the event of the Canadian or Australian government desiring to send ships to a foreign port, they will obtain the concurrence of the Imperial government, in order that the necessary arrangements with the Foregin Office may be made, as in the case of ships of the British fleet, in such time and manner as is usual between the British Admiralty and the Foreign Office.

7. While the ships of the Dominions are at a foreign port a report of their proceedings will be forwarded by the officer in command to the Commander-in-chief on the station or to the British Admiralty. The officer in command of a Dominion ship so long as he remains in the foreign port, will obey any instructions he may receive from the government of the United Kingdom as to the conduct of any international matters that may arise, the Dominion government being informed.

8. The Commanding Officer of a Dominion ship having to put into a foreign port without previous arrangement on account of stress of weather, damage, or any unforseen emergency will report his arrival and reason for calling to the Commander-in-Chief of the station or to the Admiralty, and will obey, so long as he remains in the foreign port, any instructions he may receive from the government of the United Kingdom as to his relations with the authorities, the Dominion government being informed.

9. When a ship of the British Admiralty meets a ship of the Dominions, THE SENIOR OFFICER will have the right to command in matters of ceremony or international intercourse, or where united action is agreed upon, but will have no power to direct the movements of ships of the other service unless ships are ordered to co-operate by mutual arrangement.

10. In foreign ports the SENIOR OFFICER will take the command, BUT NOT SO AS TO INTERFERE WITH THE ORDERS THAT THE JUNIOR MAY HAVE RECEIVED FROM HIS OWN GOVERNMENT.

11. When a court martial has to be ordered by a Dominion and a sufficient number of officers are not available in the Dominion service at the time, the British Admiralty, if requested, will make the necessary arrangements to enable a court to be formed. Provision will be made by order of His Majesty in Council and by the Dominion governments respectively to define the conditions under which officers of the different services are to sit on joint courts martial.

12. The British Admiralty undertakes to lend to the Dominions during the period of development of their services, under conditions to be agreed upon, such flag officers and other officers and men as may be needed. In their selection, preference will be given to officers and men coming from, or connected with, the Dominions, but they should all be volunteers for the service.

13. The service of officers of the British fleet in the Dominion naval forces, or of officers of these forces in the British fleet, will count in all respects for promotion, pay, retirement, &c., as service in their respective forces.

14. In order to determine all questions of seniority that may arise, the names of all officers will be shown in the navy list and their seniority determined by the date of their commissions, whichever is the earlier, in the British, Canadian, or Australian services.

15. It is desirable, in the interests of efficiency and co-operation, that arrangements should be made from time to time between the British Admiralty and the Dominions for the ships of the Dominions to take part in fleet exercises or for another joint training considered necessary under the senior naval officer. While so employed, the ships will be under the command of that officer, who would not interfere in the internal economy of ships of another service further than absolutely necessary.

16. In time of war, WHEN THE NAVAL SERVICE OF A DOMINION, OR ANY PART THEREOF, HAS BEEN PUT AT THE DISPOSAL OF THE IMPERIAL GOVERNMENT BY THE DOMINION AUTHORITIES, the ships will form an integral part of the British fleet, and will remain under the control of the Admiralty during the continuance of the war.

17. The dominions having applied to their forces the King's regulations and Admiralty instructions and the Naval Discipline Act, the British Admiralty and Dominion governments will communicate to each other any changes which they propose to make in those Regulations or that Act" (*a*).

The principle features of this document are: 1911

(1) Canada has exclusive control of her own ships.

(2) Canadian ships carry the Canadian flag, while British ships carry the Union Jack.

(3) When the ships of the two nations act together, the senior officer takes command.

(4) Canadian ships merge in the British fleet, only when placed by Canada at the disposal of the imperial government during war.

(5) Before sending a war-ship to a foreign port, the Canadian government must obtain the concurrence of the imperial government. This is not because of any subordination of Canadian ships to British orders, but for the reason explained in the *Times* (*b*) in an article which, after referring to the various events which preceded the agreement, proceeded as follows:

"It was obvious that these three events created an entirely new situation within the Empire. They gave rise to questions which affected not only the five self-governing British peoples, but every Power in the world. First and most important was the question of foreign policy, to which we need not here revert; but scarcely less important were difficulties directly concerning the navies themselves. What was to be their status upon the high seas? If they moved at their own discretion, how and when were the foreign powers to be notified? It is one of the recognized methods of diplomacy to alter the disposition of fleets, squad-

(*a*) Papers. Cd. 5746–2, pp. 1, 2.
(*b*) July 29, 1911.

rons, and even single men-of-war—a method which has been in evidence in the Atlantic in the last two or three weeks. A natural result is that movements of the kind are usually formally notified to any Power which may be concerned. What check was there to be upon a Dominion squadron, flying the British flag, whose movements might affect a delicate international situation? And how was the conduct of Dominion ships to be regulated in foreign ports?"

RESULT OF THE CONFERENCES: A few pages ago were quoted two statements of British officials (1896 and 1902) as to the nature of the war-relation between Canada and the United Kingdom: (1) the United Kingdom undertook all foreign defence; (2) the colonies provided for their own defence; and (3) there were no arrangements for participation by the colonies in British wars. Our review of the Conferences shows: (1) that the situation has in no particular been altered or modified; (2) that on the contrary, Canada has clearly declared her complete liberty of action; and (3) that the British government has assented to such declaration.

COMPROMISING CONDUCT.

Understanding now the nature of the war-relations between Canada and the United Kingdom (as expressed in the two documents of 1896 and 1902, above quoted); observing that Laurier Government has always distinctly and categorically declined to add to our responsibilities; and remembering that in so doing it has always had the undivided support of Canada, let us now consider the point upon which Sir Wilfrid has been attacked. It may be stated in this way: Down to the present time Canada has never agreed to assume responsibility for British wars; if her position is to be changed in this respect the electorate ought to be consulted; the Laurier Government, while in words maintaining a correct attitude, is, by conduct, foreclosing the question—by conduct (in addition to the establishment of a Canadian navy) with reference to: (1) the Imperial Defence Committee; (2) the Imperial General Staff; and (3) the acceptance of confidences respecting foreign policy. Let us understand what has been done:

THE IMPERIAL DEFENCE COMMITTEE: This Committee is of recent origin. It is an enlargement of the Colonial Defence Committee (*a*), whose duty had been to study the subject of colonial defence. The memorandum of this latter Committee of 31st December, 1896 has already been quoted (*b*). It contained recom-

(*a*) Established 1885: See Col. Confce. 1907, Papers, Cd. 3524, p. 16
(*b*) Ante, p. 253.

mendations which were afterwards transmitted to the colonies for action, and it is now referred to merely for the purpose of introducing the larger Committee.

The Imperial Defence Committee has no well-defined membership. It is called together by the British Prime Minister when he wants advice; he asks such persons as he thinks right to attend; and he does with their advice as he pleases.

"The Committee is purely a consultative body having no executive powers or administrative functions. It is assisted in its deliberations by the Colonial Defence Committee, which is regarded as its sub-committee, and works on the lines described in the statement appended to this memorandum, dealing with all colonies, self governing and other.

"Questions are referred to the Committee by the Prime Minister, or by the head of a department of state.

"When special information is required, the Prime Minister may summon any person who may be in possession of such information.

"When a colonial question is discussed, either the Secretary of State for the Colonies or another representative of the Colonial Office is present" (*a*).

At the Colonial Conference of 1907, the Chairman said:

"I think the members of the Conference understand that the Committee of Imperial Defence is a body which consists of one permanent member, the Prime Midister, and the other members are summoned as occasion requires" (*b*).

Sir Frederick Borden attended a meeting of the Imperial Defence Committee in 1903, and our representatives at the Conferences of 1907 and 1911 have attended subsequent meetings.

THE IMPERIAL GENERAL STAFF: This body was part of the Esher re-organization (September, 1906). Its predecessor, the General Staff, had been intended to be "a brain for the army" (*c*), and at the Conference of 1907, Mr. Haldane proposed that it

"should receive as far as possible an imperial character. I will define what I mean. It is not that we wish in the slightest degree even to suggest that you should bow your heads to any dictation from home in military matters, but the General Staff officer would have as his function this: Trained in a great common school, recruited, it may be, from the most varying parts of the Empire, but educated in military science according to common principles, he would be at the disposition of the local government or of the local Commander-in-chief whether he were Canadian, British, or Australian, or New Zealander, or South African, FOR GIVING ADVICE AND FURNISHING INFORMATION based upon the highest military study of the time" (*d*).

(*a*) Papers, Col. Confce., 1907, Cd. 3524, p. 15.
(*b*) Proceedings, p. 84, and see p. 121.
(*c*) Proceedings. Col. Confce., 1907, 95.
(*d*) Ibid, p. 96.

"You have, I think, some five General Staff officers in Canada at the present time. Now, as regards your General Staff officers, although you have a distinguished British General Staff officer with you, General Lake, there is no organic connection between what is your General Staff in embryo and our General Staff as we have just created it here. But supposing we were studying at home, in the General Staff, great questions of imperial defence, and, amongst others, questions of imperial defence in Canada, what an advantage it would be to us, and I think to you also, if we sent you a General Staff officer in exchange for one of your General Staff officers, who should come over here and who should be working with us at the very problems which concern the defence of the Empire as a whole in Canada. And so with all the other affairs in the Crown's dominions. It seems to me that we might broaden the basis of this General Staff which we have just created. IT IS A PURELY ADVISORY ORGANIZATION OF WHICH COMMAND IS NOT A FUNCTION" (*a*).

In speaking to the proposal Sir Frederick Borden said:

"Canada has already established a General Staff in embryo, and we hope to develop it. We recognize the absolute necessity for the existence of such a body, but it really seems to me we should have OUR OWN GENERAL STAFF RESPONSIBLE TO THE CANADIAN GOVERNMENT—and in the same way all the other Dominions—which might, as you suggested, I think, exchange officers with your Staff; but I SCARCELY THINK IT WOULD DO TO HAVE OFFICERS IN THE DIFFERENT DOMINIONS WHO WERE RESPONSIBLE IN THE FIRST PLACE TO THE SECRETARY OF STATE FOR WAR HERE.

MR. HALDANE.—"The Imperial General Staff for this purpose is a PURELY ADVISORY BOARD.

SIR FREDERICK BORDEN.—"So long as that is understood I would concur in that view, and I am very strongly indeed in favor of the idea of exchange of officers. I think we should do that, and we are doing it between the different departments of the various services of this country and the Dominion. I think, however, it is absolutely necessary that that point should be thoroughly established, because I can see difficulties in the way of an officer, for instance, in Canada, considering himself to be in a position to advise, whether directly or indirectly, the War office, without responsibility to the Minister who has charge of such matters in Canada, and without responsibility to the principal military authorities there. I do not wish to elaborate that point any further, but I am glad to know that you entirely concur in that view" (*b*).

The Conference approved the formation of the proposed Imperial General Staff. It adopted the following resolution:

"That this Conference welcomes and cordially approves the exposition of general principles embodied in the statement of the Secretary of State for War, and, WITHOUT WISHING TO COMMIT ANY OF THE GOVERNMENTS REPRESENTED, recognizes and affirms the need of developing for the service of the Empire a General Staff, selected from the forces of the Empire as a whole, which shall study military science in all its branches, shall collect and disseminate to the various governments military information and intelligence; shall under take the pre-

(*a*) Ibid, p. 97.
(*b*) Ibid, p. 100.

paration of schemes of defence on a common principle, and, without in the least interfering in questions connected with command and administration, shall, at the request of the respective governments, advise as to the training, education, and war organization of the military forces of the Crown in every part of the Empire" (*a*).

Afterwards (7 Dec. 1908) the General Staff prepared an elaborate memorandum.

"on the subject of the creation of an Imperial General Staff for the service of the Empire as a whole" (*b*).

It dealt with

"I. General principles affecting national defence."
"II. The most suitable and efficient organization for an Imperial General Staff."
"III. The principles of selection and training of officers for the Imperial General Staff."
"IV. Present means, and how best to utilise them for the creation of an Imperial General Staff."

One of the recommendations was the establishment in the colonies of local sections of the Imperial General Staff. The memorandum was submitted to the colonies and was approved by a Canadian Order-in-Council (10 Feb. 1909) which was summarized in a telegram as follows:

"After general acceptance of principles as laid down in War Office letter and memorandum enclosed of 15th January, satisfaction is expressed that PRINCIPLE OF LOCAL CONTROL BY RESPONSIBLE MINISTERS CONCERNED OVER OFFICERS OF LOCAL SECTION HAS BEEN FULLY SAFEGUARDED.
"While agreeing to proposal as to chiefs of local sections keeping in close communication with chief of Imperial General Staff, Minister of Militia considers it advisable to lay down definitely that such communications from chief of Canadian section other than on routine or ephemeral questions should be submitted to and concurred in by Minister of Militia before being despatched" (*c*).

Canada, Australia, and New Zealand have organized their local sections (*d*). The Canadian section is composed of six British officers now in Canada on Canadian service.

CONFERENCE OF 1909: Later in the same year (1909) was held a special

(*a*) Ibid, pp. V, VI.
(*b*) Cd., 4475, p. 7.
(*c*) Cd. 4475, p. 16.
(*d*) Imper. Confce. 1911, Papers, Cd. 5746–2, pp. 4–3.

"Conference with representatives of the self-governing Dominions on the naval and military defence of the Empire" (*a*).

After expressing general concurrence in the proposition

"that each part of the Empire is willing to make its preparation on such lines as will enable it, SHOULD IT SO DESIRE, to take its share in the general defence of the Empire" (*b*).

the Conference considered, separately, the military and naval sides of the problem. On the military side, the War Office presented a memorandum of proposals

"for so organizing the military forces of the Empire as to ensure their effective co-operation in the event of war" (*c*).

The document was long, elaborate and comprehensive. Complete agreement upon all points appears to have been reached, and Mr. Asquith afterwards (House of Commons 26 August, 1909) said as follows:

"The result is a plan for so organizing the forces of the Crown wherever they are, that WHILE PRESERVING THE COMPLETE AUTONOMY OF EACH DOMINION, SHOULD THE DOMINIONS DESIRE TO ASSIST IN THE DEFENCE OF THE EMPIRE IN A REAL EMERGENCY, their force scould be rapidly combined into one homogeneous imperial army" (*d*).

It ought to be observed that in laying the proposals before the colonial representatives, Mr. Haldane said that he was

"WELL AWARE THAT THE REPRESENTATIVES OF THE OVER-SEA DOMINIONS CANNOT AT THE CONFERENCE PLEDGE THEIR GOVERNMENTS, OR UNDERTAKE IN ANY WAY TO BIND THE OFFICERS AND MEN COMPOSING OVER-SEA DOMINION FORCES TO ENGAGEMENTS BEYOND THE SHORE AND BOUNDARIES OF THEIR OWN COUNTRIES."

And in so doing he reiterated the view of the Staff itself:

"IT IS NOT SUGGESTED THAT ANY ONE OF THE DOMINIONS SHOULD BE ASKED TO UNDERTAKE A DEFINITE OBLIGATION. WHATEVER IS DONE MUST BE DONE SPONTANEOUSLY AND WITH DUE REGARD TO THE CIRCUMSTANCES IN WHICH EACH ONE OF THEM IS SITUATED" (*f*).

(*a*) Cd. 4948.
(*b*) Ibid., p. 29.
(*c*) Ibid., p. 29.
(*d*) Ibid, p. 19.
(*e*) Ibid, p. 32.
(*f*) Ibid, p. 35. And see p. 38.

The proceedings of the Conference with reference to naval matters has already been stated (*a*).

ACCEPTANCE OF CONFIDENCES: One further feature of the Conferences remains to be noticed, namely, the fact that at a special and absolutely confidential meeting with the Dominion Premiers in 1911, the British Foreign Secretary is said to have communicated to them some information with reference to his ideas of foreign policy. What was said, we do not know, but of the general character of Sir Edward Grey's policy, nobody who has read his speeches and kept track of events, stands in need of much explanation. Although the affair has undoubtedly a compromising and embarrassing aspect, two points must be observed: (1) that imparting information (even if it was done) is not consultation; and (2) that when, at the same Conference, Sir Joseph Ward moved a resolution regretting that the Dominions had not been consulted about the Declaration of London, Sir Wilfrid opposed it upon the ground that if we gave advice we should have "to back the advice", whereas he said:

> "we have taken the position in Canada that we do not think that we are bound to take part in every war" (*b*).

In that way Sir Wilfrid protected himself from any inference that might have been drawn from his attendance at the Foreign Office.

CONCLUSION: Have we, then, by what we have done, compromised, the perfect freedom, which we have so frequently asserted, of refraining from participation in British wars? The answer must be a double one.

If we really intended what our House of Commons declared in 1909 (29 March):

> "that whenever the need arises the Canadian people will be found ready and willing to make any sacrifice that is required to give to the imperial authorities the most loyal and hearty co-operation in every movement for the maintenance of the integrity and honor of the Empire" (*c*).

—if we really meant that, our subsequent conduct could have no compromising effect, for all that we have done is to co-operate in some movements by which, when the need arises "the maintenance of the integrity and honor of the Empire" may be the more effectively secured. And we must not forget that it was this very resolution

(*a*) Ante, p.
(*b*) Proceedings, 1911, p. 117.
(*c*) Hans., p. 3564.

that brought about the special Conference of 1909 "on the naval and military defence of the Empire" (*a*), by which, chiefly, we are said to have been compromised.

But if, on the other hand, the resolution of 1909, although couched in general terms, was intended and understood to apply specifically to the circumstances then existing—if that be the fact, then the argument is fair that we have made more difficult than before our refusal to participate in future wars.

Perhaps a better answer to the question as to whether we have been compromised is that while it was one of consequence at the late elections, it cannot (except as having contributed to the present situation) be important at the next. The Laurier Government was condemned partly because of what was said to have been its compromising conduct. The electorate has declined to sanction what has been done. The policy has been reversed by the new government. For the future we are to think first and to act afterwards. We are to have no permanent policy until we have a permanent arrangement with the United Kingdom. And the question of the next elections will be the acceptance of any proposal which Mr. Borden may submit to us for a revision of our war-relations with the United Kingdom based upon the principle, NO OBLIGATION WITHOUT REPRESENTATION.

HOME HISTORY.

1909: Premising the general statement that the action of the Canadian ministers at the conferences met with very little—hardly any—criticism in Canada (*b*), and that no condemnation of it was proposed in parliament, we may commence the home history of the subject with the debate in the House of Commons of 29 March, 1909 on Mr. Geo. E. Foster's resolution. The German scare (Born 16 March) was then about two weeks old, but it was not the occasion of the resolution, notice of which had been previously given. Mr. Fostor moved:

"That in the opinion of this House, in view of her great and varied resources, of her geographical position and national environments, and of that spirit of self help and self respect which alone benefits a strong and growing people, Canada should no longer delay in assuming her proper share of the responsibility and financial burden incident to THE SUITABLE PROTECTION OF HER EXPOSED COAST LINE AND GREAT SEAPORTS" (*b*).(*c*)

(*a*) Ante, p. 258.
(*b*) See Mr. Monk's remarks in *Hans.*, 22 Nov. 1910.pp. 122, 3.
(*c*) *Hans*, p. 3484.

Mr. Foster depreciated cash contributions to the British Admiralty:

"It bears the aspect of hiring somebody else to do what we ourselves ought to do". . .

"The interest that we take in a contribution spent by another is not the interest that I desire for Canada. I want to see something grafted on the soil of Canada's nationhood, which takes root and grows and develops until it incites the spirit of defence in this country, leads to a participation in defence, leads to that quick interest in it, its glories, its duties and its accomplished work, which is, after all the one great thing that compensates a people for great expenditures either on land or on sea in the way of defence and of the maintenance of the rights of the country". . .

"Then, again, I think that method ignores the necessities and the aspirations and the prospects of a great people such as the Canadian people are destined to become. We must have beginnings; these must be first small; but some time, or other, as I have said, our country will have its naval force for the defence of this country if for nothing else" (*a*).

Mr. Foster favored:

"The assuming by ourselves of the defence of our own ports and coasts, in constant and free co-operation with the imperial forces of the mother country" (*b*).

After answering various objections he added:

"So far I have been dealing with what may be called the stated, normal policy that I think Canada ought to adopt home defence by a coast line and harbor portection of torpedo vessels at first, which would make the attack of the rambling, raiding cruiser a doubtful and a dangerous one, which would ward off the first attack until more sufficient aid could be brought if the invading force were superior to the defence." (*c*).

Sir Wilfrid Laurier agreed in Mr. Foster's opposition to cash contributions; agreed that the work of naval development ought to be commenced; but, in view of the state of feeling created by the scare, moved an amendment to the resolution. He closed his address with words which afterwards cost him plenty of trouble:

"On more than one occasion I have said that I would deprecate Canada being drawn into the vortex of militarism existing in Europe. The situation of Europe to-day is one which cannot be characterised as other than madness. Europe is an armed camp. Every nation there is living in a condition of armed peace almost as intolerable as war itself. England is the one nation which has not lost her head, which has resisted militarism as much as she could, which has refused to adopt the conscription and sacrifice her children on the altar

(*a*) Ibid, pp. 3495, 6.
(*b*) Ibid, p. 3496.
(*c*) Ibid, p. 3502.

of this insatiable moloch. I hope the day shall never come when we will be drawn into the conflicts of Europe. But I have no hesitation in saying that the supremacy of the British Empire is absolutely essential, not only to the maintenance of that Empire but to the civilization of the world. I have no hesitation in saying that the supremacy of the British Empire on the seas must be maintained in the highest degree of efficiency it has occupied the last hundred years. I have no hesitation in saying also that if the day should come when the supremacy of Britain on the high seas will be challenged, it will be the duty of all the daughters of the nation to close around the old motherland and make a rampart about her to ward off any attack. I hope that day will never come, but should it come, I would deem it my duty to devote what will be left of my life and energy to stump the country and endeavor to impress upon my fellow-countrymen, especially my compatriots in the province of Quebec, the conviction that the salvation of England is the salvation of our own country, that therein lies the guarantee of our civil and religious freedom and everything we value in this life. These are the sentiments which animate the government on this occasion" (*a*).

Mr. Borden concurred, generally, with the two previous speakers in depreciating cash contributions, and as to development of our navy:

"now the right hon. gentleman has spoken of the relations of Canada to the Empire, and I for one am prepared to go as far as he is, as far as any hon. gentleman in this House, IN ABSOLUTELY MAINTAINING IN THIS COUNTRY OF OURS THE FULL CONTROL OF OUR OWN AFFAIRS, WHICH WE HAVE ENJOYED FOR MANY YEARS IN THE PAST. I DO NOT THINK THERE IS ANY DIFFERENCE OF OPINION BETWEEN THE TWO POLITICAL PARTIES IN CANADA IN THAT RESPECT" (*b*).

"In so far as my right hon. friend the Prime Minister to-day outlined the lines of naval defence of this country I am entirely at one with him. I am entirely of opinion, in the first place, that THE PROPER LINE UPON WHICH WE SHOULD PROCEED IN THAT REGARD IS THE LINE OF HAVING A CANADIAN NAVAL FORCE OF OUR OWN. I ENTIRELY BELIEVE THAT . . . . I am at one with him in this respect also that I think that an expenditure of money designed for that purpose ought in the main at least, to be under the control of our own parliament and that by making an appropriation of that kind and attending to the defence of our own coasts, by co-operation and co-ordination with the imperial naval forces, we would be rendering a real service in the defence of the Empire and we would be doing our duty not only to Canada but to the Empire as a whole" (*c*).

Several members spoke adversely. Among them was Mr. Roy who formulated the objection which was afterwards used with great effect at the elections, namely, that adoption of a naval policy would mean Canada's departure from her traditional methods, her entry upon the field of world politics, and her engulfment in European militarism. Referring to Mr. Foster's speech, Mr. Roy said:

"He declared that not only should Canada have a navy to protect her shores and her large seaports, but that she should also keep the Empire in her wars with

(*a*) Ibid, pp. 3511, 2.
(*b*) Ibid, p. 3513.
(*c*) Ibid, pp. 3517, 8.

other countries. Should we, Sir, endorse, such an expression of opinion?

"Before entering into the military movement, we should weigh the inherent risks, will other nations view our armaments with equanimity or indifference?

"I question whether it would be wise to declare that Canada is ready to commence the immediate organization of a navy and to enter at once into the military movement.

"When the day comes that we shall undertake all of Britain's wars, we shall incur the hostilities of other nations and open ourselves to their attacks" (*a*).

Notwithstanding this opposition, the following resolution was carried without a dissenting voice:

"This House fully recognizes the duty of the people of Canada, as they increase in numbers and wealth, to assume in larger measure the responsibilitys of national defence.

"The House is of opinion that under the present constitutional relations between the mother country and the self-governing dominions, the payment of regular and periodical contributions to the imperial treasury for naval and military purposes would not, so far as Canada is concerned, be the most satisfactory solution of the question of defence.

"The House will cordially approve of any necessary expenditure designed to promote the speedy organization of a Canadian naval service in co-operation with and in close relation to the imperial navy, along the lines suggested by the admiralty af the last imperial conference, and in full sympathy with the view that the naval supremacy of Britain is essential to the security of commerce, the safety of the Empire and the peace of the world.

"The House expresses its firm conviction that whenever the need arises the Canadian people will be found ready and willing to make any sacrifice that is required to give to the imperial authorities the most loyal and hearty co-operation for the maintenance of the integrity and honor of the Empire" (*b*).

Perhaps it would not be fair to hold the House too rigidly to the last clause of this resolution. Many of the members were opposed to it, and it was adopted with a view to a particular purpose. Its language, no doubt, is general, but its application was intended to be specific—to apply to the circumstances of the moment. Its form was a matter of compromise and agreement, and was designed for diplomatic service in England. During the debate Mr. Borden said:

"W edesire that this resolution should go out as the unanimous resolution of the parliament of Canada to the whole world, and I believe it may go out as a message which will do much to keep the peace of the world in these days of uncertainty" (*c*).

(*a*) Ibid, pp. 3548, 50, 1.
(*b*) Ibid, pp. 3564.
(*c*) *Hans.*, p. 3523. See further explanations in the debates of the succeeding session (1909, 10) in the speech of Mr. Monk, *Hans.*, pp. 1770, 2, and, speech of Sir Wilfrid Laurier, *Hans.* p. 2956–9.

SESSION 1909–10: THE NAVY BILL: The principle clauses of the navy bill which was passed during the next session (1909–10) were as follows:

"23. In case of an emergency the Governor in Council may place at the disposal of His Majesty, for general service in the royal navy, the naval service or any part thereof, any ships or vessels of the naval service, and the officers and seamen serving in such ships or vessels, or any officers or seamen belonging to the naval service."

"24. Whenever the Governor in Council places the naval service or any part thereof in active service, as provided in the preceding sections, if parliament is then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall issue for a meeting of parliament within fifteen days, and parliament shall accordingly meet and sit upon that day appointed by such proclamation, and shall continue to sit in like manner as if it had stood adjourned or prorogued to the same day."

On the second reading of the bill Mr. Borden moved (3rd. February, 1910) as follows:

"The proposals of the government do not follow the suggestions and recommendations of the Admiralty and, IN SO FAR AS THEY EMPOWER THE GOVERNMENT TO WITHHOLD THE NAVAL FORCES OF CANADA FROM THOSE OF THE EMPIRE IN TIME OF WAR, ARE ILL-ADVISED AND DANGEROUS.

"That no such proposals can safely be accepted unless they thoroughly ensure unity of organization and of action without which there can be no effective co-operation in any common scheme of Empire defence.

"That the said proposals while necessitating heavy outlay for construction and maintenance will give no immediate or effective aid to the Empire and no adequate or satisfactory results to Canada.

"THAT NO PERMANENT POLICY SHOULD BE ENTERED UPON INVOLVING LARGE FUTURE EXPENDITURES OF THIS CHARACTER UNTIL IT HAS BEEN SUBMITTED TO THE PEOPLE AND HAS RECEIVED THEIR APPROVAL.

"That in the meantime the immediate duty of Canada and the impending necessities of the Empire can best be discharged and met by placing without delay at the disposal of the imperial authorities, as a free and loyal contribution from the people of Canada, such an amount as may be sufficient to purchase or construct battleships or armoured cruisers of the latest Dreadnought type, giving to the Admiralty full discretion to expend the said sum at such time and for such purposes of naval defence as in their judgment may best serve to increase the united strength of the Empire and thus assure its peace and security" (*a*).

To this, Mr. Monk moved an amendment:

"This House, while declaring its unalterable devotion to the British Crown, is of opinion, that the bill now submitted for its consideration CHANGES THE RELATIONS of Canada with the Empire and ought in consequence to be submitted to the Canadian people in order to obtain at once the nation's opinion by means of a plebiscite.

(*a*) *Hans.*, p. 2991.

During the debate, Mr. Borden urged that because of the pressing emergency of European conditions, we should make an immediate contribution to the British Admiralty:

"Go on with your naval service. Proceed slowly, cautiously and surely. Lay your proposals before the people, and give them if necessary opportunity to be heard, but do not forget that we are confronted with an emergency which may rend this Empire asunder before the proposed service is worthy of the name" (*a*).

And with reference to permanent policy, he contended that the people ought to be consulted:

'I am as strong as any man in this country in the belief that it is the duty of Canada to participate upon a permanent basis in the defence of this Empire and to do our reasonable share in that regard. But I say that to attempt to force a policy of this kind upon the people of this country without giving them an opportunity to say yea or nay with regard to it, would be one of the worst mistakes that could be made by any man who really favored that policy. If my hon. friend was able, in very short metre indeed, in 1899, to respond to the popular will, there seems no reason why he should not to-day be equally ready to respond to the popular will upon this question. What the people of this country want, as far as any man can judge who has observed the currents of public opinion, what the people of this country desire, is immediate and effective aid to the Empire, and to have ANY PROPOSALS OF A PERMENANT CHARACTER VERY CAREFULLY CONSIDERED AND MATURED, AS THEY OUGHT TO BE CONSIDERED AND MATURED, BEFORE ANY SUCH POLICY IS EMBARKED UPON, BECAUSE THERE ARE A GREAT MANY CONSIDERATIONS THAT MUST BE TAKEN INTO ACCOUNT" (*b*).

Mr. Monk contended that the bill effected a great change in our relations with the United Kingdom:

"I say that if Great Britain is involved in war, whether it be to suppress an insurrection in India, or against any foreign country, or in virtue of her numerous alliances or treaties, the moment that war breaks out—if we carry out this plan and the scheme generally laid down by the imperial Defence Committee —we are into that war. It is said that that is absolutely necessary any way. I deny that. I am now speaking of war only and, I deny that. I am not alone in that opinion, because it will be established here that statesmen of no meanrepute, patriotic men who knew something about this country, have maintained that under our system as it has existed in the past WE WERE NOT NECESSARILY DRAWN INTO THE FOREIGN WARS OF ENGLAND."

"But what I wish to point out is this : Does it not strike the members of this House—indeed in this very discussion it has been alluded to—that IF WE ARE TO CARRY OUT THIS POLICY WE SHALL FIND OURSELVES IN THE POSITION THAT WE BECOME RESPONSIBLE JOINTLY AND SEVERALLY WITH THE PEOPLE OF THE BRITISH ISLES FOR THE WHOLE FOREIGN POLICY OF THE EMPIRE, AND, MIND YOU, WITHOUT HAVING HAD A SINGLE VOICE IN THE FORMATION OF THAT POLICY."

"What! Are we going to be in the position that the whole foreign policy of the Empire is going to be framed, and formed, and carried out by a cabinet of

(*a*) *Hans.*, Jan. 12, 1910, p. 1761,.
(*b*) *Hans.*, Feb. 3, 1910, pp. 2989, 99.

men in Dowinng Street, men absolutely controlled and elected by the electorate of the British Isles; that we, British subjects like themselves, are going to be placed upon a different footing; THAT WE WILL NOT HAVE A VOICE IN THE CONDUCT OF THAT POLICY; THAT WE ARE TO BE RESPONSIBLE FOR EVERYTHING WHILE HAVING NO VOICE IN THE CONDUCT OF ANYTHING?"

"What is proposed to-day here is to invite us to assume responsiblities which I shall claim we are not bound to assume. What is proposed to-day is to invite us to become responsible for the policy, for the diplomacy, for the treaties, for the alliances of which we know notihng, over which we have nocontrol,made by men, excellent men no doubt, but men who are not responsible to us. AND THE PROPOSAL IS TO AS US TO ASSUME ALL THESE RESPONSIBILITIES WITHOUT OUR ENJOYING THE PRIVILEGES OF REPRESENTATION. I do not speak for the Province of Quebec; I say you will never find Anglo-Saxons who will willingly accept that responsibility, who will willingly bend their heads to what I consider to be an infraction of the ancient rights of British subjects established centuries ago in England" (*a*).

He summed up the consequences of the bill as follows:

"1. We become more strictly bound by the policy of the British government, its alliances, offensive and defensive, for the reason, that we engage to support by force the Empire's exterior action.

"2. If the scheme of the Imperial Defence Committee is approved by us, we are bound to participate as belligerents in all British wars.

"3. We become parties to all British guarantees to foreign nations" (*b*).

Among Sir Wilfrid's remarks were the following:

"The other day when introducing this measure, I stated that when England is at war we are at war. In saying that I have shocked the minds and the souls of many of our friends in Quebec. Some men tore their hair and theirgarments as if I had uttered blasphemy, as if I had uttered some new and fatal proposition which never had been heard before. The truth is that in making the statement that when England is at war we are at war, I WAS SIMPLY STATING A PRINCIPLE OF INTERNATIONAL LAW. IT IS A PRINCIPLE OF INTERNATIONAL LAW THAT WHEN A NATION IS AT WAR, ALL HER POSSESSIONS ARE LIABLE TO ATTACK. If England is at war she can be attacked in Canada, in Australia, in New Zealand, in Africa, in the West Indies, in India, and, in short, anywhere that the British flag floats. If France is at war she can be attacked not only in France, but in her possessions ia Cochin, China. If Germany is at war she can be attacked not only in Germany, but also wherever the German flag floats. IT DOES NOT FOLLOW, HOWEVER, THAT BECAUSE ENGLAND IS AT WAR WE SHOULD NECESSARILY TAKE PART IN THE WAR."

"IF ENGLAND IS AT WAR WE ARE AT WAR AND LIABLE TO ATTACK. I DO NOT SAY THAT WE SHALL ALWAYS BE ATTACKED, NEITHER DO I SAY THAT WE WOULD TAKE PART IN ALL THE WARS OF ENGLAND. THAT IS A MATTER THAT MUST BE DETERMINED BY CIRCUMSTANCES, UPONWHICH THE CANADIAN PARLIAMENT WILL HAVE TO PRONOUNCE, AND WILL HAVE TO DECIDE IN ITS OWN BEST JUDGMENT."

SOME HON. MEMBERS; "Oh, oh."

SOME HON. MEMBERS; "Hear, hear."

(*a*) *Hans.*, Jan. 12, 1910, pp. 1773, 4, 5.
(*b*) *Hans.*, Feb. 3, 1910, pp. 3005, 6.

"Can it be that there are men in this House so lost to the sense of responsible government that they will deny such a proposition?" (*a*).

Mr. Nantel (the present Minister of Inland Revenue) said:

"I shall vote against the bill BECAUSE IT INVOLVES THE RECOGNITION OF MILITARY IMPERIALISM, BECAUSE IT AIMS AT HAVING THAT PRINCIPLE DECORDED IN OUR STATUTE BOOKS. I shall vote against the amendment because I do not admit that there is any emergency under the present circumstances" (*b*).

Mr. Borden, referring to Sir Wilfrid's speech, said:

"He told us on the first reading of this bill that Canada must be at war when the Empire is at war. Any man who has the slightst acquaintance with international law knows that that is absolutely the case. Yet, my honorable friend has somewhat receded from that opinion to-day, because he has told us that under conceivable circumstances the rest of the Empire might be at war while Canada was at peace. Such a proposition is absolutely impossible. So long as Canada remains in the Empire, Canada is at war when the Empire is at war. So long as the English flag floats above Canada, Canada is at war when that flag is attacked" (*c*).

Mr. Doherty delivered a well considered address. It may be regarded as the argumentative defence of the policy of the present government; and for that reason, as well as for its own merits, deserves special notice. (As it is long, it is set in type larger than usually employed for quotations):—

"From that it would seem to me fairly to follow that the con-
"dition precedent to our undertaking to participate in the naval
"defence of the Empire is that we should be given AN EFFECTIVE
"VOICE IN THE GOVERNING AND DETERMINATION OF THE FOREIGN
"RELATIONS OF THE EMPIRE. When I lay down that proposition I
"am not saying something merely on my own authority. You will
"find repeated statements of very distinguished British statesmen
"recognizing the absolute co-relation of participation in naval de-
"fence and participation in the control of the policy which the naval
"forces of the Empire are called upon to defend. In the conference
"of 1907, Sir Henry Campbell-Bannerman, a statesman whose
"memory I am sure is revered on both sides of this House, ex-
"pressly declared, in language which was perhaps not the most ele-
"gant in the world, although it was essentially forcible:

"It is of course, possible to over-estimate the importance of the requirements of the over-sea Dominions as a factor in our expenditure; but howeyer this may

(*a*) Ibid, pp. 2964, 5.
(*b*) *Hans.*, March 2, 1910, p. 4537.
(*c*) *Hans.*. Feb. 3, 1910, p. 2982.

be, the cost of naval defence and the responsibility for the conduct of foreign affairs hang together."

"The language, though not very eloquent, could not well be "more concise or forcible. Then we have the declaration of Lord "Tweedmouth, in which speaking on behalf of the United Kingdom, "and quoting words which he attributed to the Right Hon. leader "of this government: 'If you want our aid, call us to your coun- "cils', his lordship expressly recognized that that was a perfectly "proper requirement, that the two things corresponded absolutely, "and expressed the readiness of the United Kingdom, if the Do- "minions asked for it, to call them to her councils. Now, I want to "say that I do not share his lordship's views in pointing out how that "calling to the councils could be done. I am not here to propound "any theory or to lay down any plan by which what I consider the "condition precedent to our undertaking the policy which is pro- "posed may be carried out. What I desire to do is simply to make "clear that THE FINDING OF A WAY BY WHICH WE MAY HAVE A VOICE, "AND A REAL VOICE, IN THE CONTROL OF THE FOREIGN POLICY OF "THE EMPIRE, IS AN ESSENTIAL CONDITION PRECEDENT TO OUR "EMBARKING UPON ANY PERMANENT POLICY OF PARTICIPATING IN "THE MAINTENANCE OF NAVAL FORCES, that that is an essential condi- "tion precedent, if our autonomy, to which the right hon. gentleman "attaches such great importance, and to which I may say he does "not attach one whit greater importance than I do, is to be main- "tained.

"Again, we find that the government of so small a colony as "Cape Colony in presenting her resolution found it necessary at the "conference of 1907, to point out that prior to accepting the burden "and expenditure of such a responsibility (participating in the naval "defence of the empire), the colonies would require to be represented "on an imperial council at which questions concerning, inter alia, "the peace of the whole Empire be discussed.

"And, finally, I may cite an authority which I may say, with "me, carries very considerable weight. It is a work written by "Professor Lawrence Lowell, professor of the science of government "at Harvard University, and, if I am correctly informed, its present "president. It is a work written in a spirit which certainly no one "can suspect of being hostile, which on the contrary is manifestly "most friendly to both the mother country and all of her colonies, "and a work which evidences a careful study of the principles and "operation of British institutions, which entitles the conclusions "reached to the acceptance of any who has carefully read the "premises upon which they are based. Dealing with this question

"of the relations between the mother country and colonies, Professor "Lowell says:

"While, therefore, the tie with the self-governing colonies might conceivably be put to a severe strain by war, that is highly improbable so long as England maintains a sufficient navy. But, in spite of her wealth, the burden of holding the seas against all the world has grown so heavy as to make her want the colonies, for whose joint benefit she conceives that she carries it, to bear their share, and this cannot be done without giving them a real voice in the foreign policy which the navy may be used to enforce."

"Now, Mr. Speaker, I am not using this argument for the pur- "pose of reaching the conclusion that we should never do anything "to contribute to the maintenance of England's naval forces, or "that we should never do anything to so contribute by means of a "navy which we would provide ourselves. I am not seeking to "invoke this principle as ground upon which I would desire to see "Canada, my country, shirk any duty or any obligation which the "highest sense of honor might lead her to feel was incumbent upon "her.

"WHAT I DESIRE TO POINT OUT IS THAT, UNDER OUR CONSTITU- "TION, THERE IS NO OBLIGATION ON THE PART OF CANADA, LEGALLY "OR CONSTITUTIONALLY SPEAKING, TO CONTRIBUTE TO THE NAVAL "FORCES OF THE EMPIRE, AND THAT POSITION WILL CONTINUE TO "EXIST SO LONG AS THE UNITED KINGDOM ALONE HAS EXCLUSIVE "CONTROL OF THE FOREIGN AFFAIRS OF THE EMPIRE. It does not "follow, however, that there is an insuperable obstacle in the way "of our ever doing anything to aid the naval forces of the Empire; "but what follows is that there is an obstacle to be removed before "we do that, if we are both going to aid the imperial navy and "continue at the same time to enjoy our own autonomy. It is "most essential, right and proper, that the portion of the Empire "which charges itself exclusively with the burden of general im- "perial defence, and more particularly the naval defence, should "have exclusive control of its foreign policy. To the hand that "wields the sword of Empire, essentially belongs the right to wield "the sceptre of Empire.

"But it is represented that the time has come when we should "begin to take our part in the general defence of the Empire, par- "ticularly the naval defence, and it is because this is recognized by "the present government that we have before us the bill that we "are now considering. I have no desire to controvert that proposi- "tion. I am quite prepared to recognize that whereas Canada, "up to the present, has been in the position of a protected colony, "while she has been in the position of a child in the nursery, or a

"youth just emerging from the nursery, and therefore entitled to "look to its parent for protection, or at most had reached that stage "where it might properly be expected that she should take care of "herself, she has now advanced to the position of a young man "who has reached a certain maturity, who has gone out and estab- "lished his own home, but is still under the advice, guidance and "protection of his parents, and who has amassed for himself a cer- "tain competency and power. I am quite willing to concede that "under those circumstances, it is perfectly proper that the parent "should say to him: 'It is time that you should aid me in carrying 'the burdens which I have to bear; it is time that you, as a man, 'should aid me in the difficulties that may be created for me by 'troublesome and litiguous neighbours; it is time that you should 'stand by me and aid me, even at the expense of some portion of 'your wealth, and that you should bear your share of the conse- 'quences of the enterprises in which I am engaged—enterprises 'which, as they redound to my benefit and advantage directly, 'must indirectly redound to yours.'

"This proposition I would be quite prepared to accept. But "it seems to me that the youth, who on reaching maturity, is asked "to share in the consequences of the operations of his parents, "SHOULD ALSO HAVE THE CORRESPONDING, INSEPARABLE RIGHT TO "HAVE HIS SAY IN THE CONTROL OF THE OPERATIONS, FOR WHICH "HE IS TO BE HELD JOINTLY RESPONSIBLE. Should he take that "position, I do not think it can be urged that he would be going "beyond his rights.

"But it may be argued that even although that be Canada's "right, she is within her right if she should choose to renounce it. I "question that proposition. I have said that that was Canada's "right, but I think I would have described the position more cor- "rectly had I said that that was Canada's duty. I realize that "Canada, in taking upon her shoulders her share of the responsi- "bility for the control of foreign affairs would be assuming a burden "possibly more onerous even than a contribution to the forces of "the Empire. I recognize that she would be taking an immense "responsibility from which, I can well understand, men might "shrink to the extent of saying that Canada had better take her "share in the defence of the Empire; had better contribute to that "defence in one way or the other; had better contribute her share "in aiding the mother country in the wars of the Empire without "asking for any voice in the control of foreign affairs; that it would "be better for her to have nothing to do with assuming any such

"grave responsibility. That would be easier for Canada. I do not "deny that proposition. It certainly would be easier for Canada; "but we, in this parliament, are charged with something that is of "vastly greater importance than the interests, or even the rights of "this country. We are charged with seeing to the performance by "this country of its duties; and I say that for us to undertake to "create a force to be used in war, and to declare at the same time "that we divest ourselves of any responsibility, with regard to the "wars in which this force might be used, is not simply to renounce a "right, but it is to shirk a duty. And, of all things, that we should "not stand by and see our country do, still less so conduct the affairs "of our country as to place her in the position of doing, I know of "none that we should guard ourselves more absolutely against than "that of either acquiescing in or aiding in her shirking of her duty.

"I have said that the autonomy of this country is as precious "to me as it can be to any gentleman in this house. I include, "however, in the autonomy of this country, something more than the "exclusive control of her material resources and the exclusive hold- "ing on to, and retaining for ourselves of her money. There are "things that, to a man as well as to a nation, are of value far sur- "passing worldly goods, far surparsing wealth, whether it consist of "the ostensible wealth of money or of those other things which go "to constitute the real wealth of the world. It we are to have "our autonomy, it seems to me that not only the control of our "own internal affairs must be our own, not only must we keep it in "our hands, not only must we retain for ourselves the administra- "tion and direction of the affairs of this our country, our particular "portion of the Empire to which that country belongs, but WE MUST "RETAIN FOR OURSELVES AND FOR OUR NATION THE RIGHT TO CLAIM "THAT HER SOUL IS HER OWN, THAT HER CONSCIENCE IS HER OWN."

"Mr. Speaker, I do not wish to be misunderstood. I do not "wish to have it concluded that, because I say this, I am expressing "any distrust in the authorities who now control the foreign affairs "of this great Empire. I do not wish to have it supposed that I "desire to imply that there is reason to apprehend that they will "try to call us into war that shall be absolutely unjust and in- "equitable. Nothing is further from my mind than that. The "proposition I lay down is this: I may have the most implicit, "the most unbounded confidence in another man. I am glad to "say that I count friends in whose honor and spirit of rectitude I "have as unwavering confidence as in my own—but I have no right "to hand over to the most trusted of these men the keeping of my

"conscience. And I say that this country has no right, however "great, however implicit, however absolutely complete and perfect, "her confidence may be in the imperial authorities, to hand over to "their keeping her conscience. AND THERE IS NO QUESTION WHICH "CAN PRESENT ITSELF FOR SOLUTION TO A NATION THAT MORE CLOSELY "AND IMMEDIATELY TOUCHES ITS CONSCIENCE THAN THE QUESTION "OF WHEN, AND WHY, AND AGAINST WHOM, HER ARMED FORCE IS TO "BE USED.

"So, I say I am not standing here merely claiming that we should "not take our share in the burdens of defence because we are not "given the right to a voice—because it is not recognized we have the "right to a voice in the control of the foreign policy. I am here to "say that, when this duty is presented to us of our taking a share in "the maintenance of the naval forces of this Empire, there is nec- "essarily presented to us at the same time another duty, the duty of "our taking our share in the heavy burden of the control of the for- "eign affairs of the Empire. And I say that we are not at liberty "to choose to do the one duty and refuse to do the other, because "these two duties are inseparably bound up together.

"I have said that I am not arguing this proposition as a reason "against the passing of the bill, which is submitted to us and which "purports to commit us to a policy of permanent participation "in the maintenance of the naval forces of this Empire, because I "seek to make use of it to evade any duty that is incumbent upon "us in the way of aid to the Empire from the point of view of what "an honorable man or an honorable country ought to do. I had "rather err—much rather err—on our country's behalf, as I had "much rather err on my own behalf, in doing a little more than "honor would require of men, than run any risk of doing less than "honor would require of me.

"Mr. Speaker, it is not an impossible thing that our relations "should be so adjusted with the different nations that are comprised "in this Empire as that the doing of both these duties should be "possible for us. As I have said, I am not here to propound a plan; "I am not here to advocate a plan. I am here simply to point out "what is a duty inseparably bound up with the duty which the gov- "ernment are asking us, by means of this bill, to implement. And "I say that it is for those who present this duty to us for our fulfil- "ment, TO SUGGEST AND PRESENT, AT THE SAME TIME, A PLAN AND A "MEANS BY WHICH WE BE ENABLED TO FULFIL THE DUTY THAT GOES "WITH IT.

"I SAY THAT UNTIL THAT PLAN HAS BEEN FOUND, AND PRE- "SENTED, AND ADOPTED, WE ARE FAILING IN OUR MOST IMPERIOUS

"DUTY, FROM THE POINT OF VIEW OF THE MAINTENANCE OF THE "AUTONOMY OF THIS COUNTRY, IN UNDERTAKING TO COMMIT OUR- "SELVES TO THE PERFORMANCE OF THAT OTHER DUTY INVOLVED "IN THE PROJECT THAT IS NOW SUBMITTED TO US. It is proposed "that this country should have no autonomy in its own soul. It is "a poor man, Mr. Speaker, that cannot call his soul his own. It "seems to me that with all her wealth, Canada will be a poor coun- "try indeed if she is not to be allowed to call her soul her own. I "am not saying this by way of trying to raise an insuperable ob- "stacle in the way of the performance of this other duty.

I concede that there are immense difficulties in the way of con- "stituting a system that will make it possible for us to have a voice "in the councils of the Empire, as far alone as foreign relations are "concerned, and at the same time leave to us our present autono- "mous position. This I concede, and I repeat again that I have "no more desire to sacrifice one title of our autonomy than any other "man in this House, or in this country. I concede that it is a diffi- "cult problem. But, Mr. Speaker, the statesmen of the mother "country and the statesmen of this country have faced difficult "problems before, and have overcome them. I concede that the "problem is difficult, and I concede that it is immensely difficult "precisely because I, for one, would insist that that problem must "be so solved as to take from us no power of control over our own "affairs that we have to-day. I have no more desire, I would "no more consent to the intervention of any other power in the "government of this country as we have a right to govern it to-day, "than I would seek on her behalf a right to interfere in any way "with the government of the United Kingdom, or any other of the "nations of the Empire. But it does not seem to me an impossible "thing that the foreign relations of this Empire should be guided "and controlled by a body composed of representatives of all the "different nations that constitute this Empire; and it does not "seem to me an impossible thing to find a means whereby to de- "termine to what extent each one of those nations is properly en- "titled to a voice in the determination of the questions to which "those foreign relations give rise. All these things are possible.

"If what I have said is true, that this participation in the "control of foreign affairs goes hand in hand with the performance "of this other duty that we are asked to fulfil to-day, then it is nec- "essarily true that means can be found whereby that duty may be "performed. There is no duty incumbent upon any man or any "nation that Providence has not made possible of fulfillment; and "I believe myself, thoroughly, that without any sacrifice of our

"autonomy as we have it to-day, a means can be found of so ad-
"justing our position and the position of other nations of this Em-
"pire, as to create a situation where it could be quite right and
"proper that we should take over the burden of our own share of
"the maintenance of the fighting forces of the Empire, because then
"these fighting forces will be an instrument to enforce decisions
"which we have reached, and for which we shall have to share
"responsibility. So I SAY THAT WE SHOULD NOT ENTER UPON A
"COURSE WHICH MEANS PARTICIPATION IN THE NAVAL WARS OF THE
"EMPIRE WITHOUT FIRST SEEING TO IT THAT THE MEANS ARE PRO-
"VIDED FOR THE PERFORMANCE OF OUR PART OF THIS OTHER DUTY
"FROM WHICH, TO MY MIND, IT IS ABSOLUTELY INSEPARABLE" (*a*).

Mr. Doherty then dealt with the argument that by the bill Canada retained control of her navy, and could do as she pleased when war occurred:

"When war is on, and when this navy, created and maintained
"in the name of imperial defence, is called upon to bear its share,
"that is the moment this government choose for this country to sit
"down calmly and quietly and pass judgment upon the actions of
"the men in whose hands it has left the control of her interests as
"far as they are concerned with foreign affairs; determine whether
"those men have acted wrongly; and then determine whether our
"fleet shall stay at home. I do not believe that the government
"mean to exercise that power. My feeling of partisanship does
"not go so far as to lead me to believe that the right honorable
"gentleman and his colleagues mean to exercise that power under
"the circumstances. IF THEY DO NOT, I ASK THEM WHERE IS THE
"PROTECTION OF THE AUTONOMY OF WHICH THEY PROFESS THEM-
"SELVES THE SOLE AND EXCLUSIVE PROTECTORS, DEFENDERS, AND
"MAINTAINERS AGAINST ALL THE WORLD?" (*b*)

"To my mind the policy of this bill, if it has a policy, can be
"described as nothing else than a policy of drift. It is a policy of
"men who, faced with serious problems, do not choose to decide in
"the one sense or the other" (*c*).

That is a strong speech, and one very difficult to answer. It had no immediate effect. Mr. Monk's motion was lost (only 18 voting for it). Mr. Borden's was lost by the party majority. The navy bill became law.

(*a*) *Hans.* Feb. 24, 1910, pp. 4137–4144.
(*b*) Ibid, p. 4145.
(*c*) Ibid, p. 4147.

A By-election: What the Nationalists advocated and wanted, has given rise to controversy that shall not be investigated here (*a*). It is sufficient for present purposes that, in connection with the navy question, they administered to the Laurier government a rather unexpected defeat in the election for Drummond-Arthabaska on the 3rd November, 1909; and that at a demonstration in Montreal shortly afterwards (9th November) their attitude was defined as follows:

"This meeting approves and ratifies the verdict rendered by the electoral division of Drummond and Arthabaska; re-affirms the will of the Canadian people to uphold the rights of the British Crown in Canada; declares itself ready to approve of all necessary and efficient measures to make sure the defence of Canadian territory; but it considers as contrary to the principle of Canadian autonomy and to the real unity of the empire, any policy tending to impose upon Canada, that has no voice in the government of the Empire, any share in the external responsibilities or in the military defence of the Empire, outside of Canadian territory—the only portion of the Empire upon which the Canadian people may excerise any political or constitutional action."

It will be observed that this resolution embodies the points made by Mr. Monk and Mr. Doherty in the debate above referred to, namely (1) the tendency of the navy bill to impose external responsibilities upon Canada, (2) while Canada has no voice in the government of the Empire.

Session 1910–11: The naval question—now become of importance from a party political standpoint—was discussed in the debate upon the address. Mr. Monk moved the following amendment:

"The House regrets that the speech from the throne gives no indication whatever of the intention of the government to consult the people on its naval policy and the general question of the contribution of Canada to imperial armaments (*a*).

Mr. Borden moved the following further amendment:

(*a*) Liberals declared that the Drummond-Arthabaska election was carried by anti-British appeals. (See Mr. Brodeurs' speech of 22 Nov., 1910; *Hans.*, pp. 143-154; 176-7). Conservatives on the other hand asserted that the result of the election was due to opposition to Sir Wilfrid's advocacy of political independence (see the speeches in Nov. 1910 of Mr. Borden, *Hans.*, pp. 231, 2; Mr. Sam Hughes, Ibid, pp. 295-6; Mr. Middlebro's, Ibid, p. 449, and Mr. Crothers, Ibid ,pp. 509-10.) Whatever may be said against the Nationalists, it is undoubtedly to their agitation that must be attributed the present prominence and importance of the principle which I have formulated in the words; No Obligation without Representation, and of the propriety of a submission to the electorate... As early as 1900 (in connection with the Boer war) Mr. Bourassa moved in the House of Commons; "That this House further declares that it opposes any change in the naval and military relations which exist at present between Canada and Great Britain, unless such change is initiated by the sovereign rule of Parliament sanctioned by the people. (*Hans.*, page 1837)

(*b*) *Hans.*, Nov. 22, 1910, p. 133.

"We beg to assure Your Excellency of the unalterable attachment and devotion of the people of Canada to the British Crown and of their desire and intention to fulfil all just responsiblities devolving upon this country as one of the nations of the Empire. We desire, however, to express our regret that Your Excellency's gracious speech gives no indication of any intention on the part of Your Excellency's advisers to consult the people on the naval policy of Canada" (*b*).

During the debate Mr. Monk returned to his charge that Sir Wilfrid had changed his policy, from one of refusal to participate in the defence of the Empire to one of co-operation and that our freedom of action was thereby compromised. He referred, particularly (1) to the government's concurrence in the establishment of the Imperial General Staff; and (2) to acceptance of the proposals of the British government with reference to naval matters:

"The naval plan submitted there, and accepted by the delegates of this government who went to the conference with written instructions from my right hon. friend, is not a plan for the defence of Canada, it is a plan—we must be frank about it—for our co-operation with the British fleet in the defence of the Empire, and the maintenance of its supremacy at sea.

"Our policy, if we approve of it, does not rest on a naval bill, or on some section thereof. In my view it rests, if we are honorable men, upon the engagement which we make, and as I read that blue-book it is impossible to reach any other conclusion than THAT WE HAVE AGREED TO BUILD A FLEET FOR THE PURPOSE OF CO-OPERATION IN THE MAINTENANCE OF BRITISH SUPREMACY BY PARTICIPATION IN ALL THE WARS OF THE EMPIRE."

"After all my right hon. friend cannot refute this statement that under this new arrangement it is not to the Crown of England that we become subject, but we become the slaves of the English electorate.

Sir Wilfrid Laurier ; "Hear, hear."

Mr. Monk; "That is what we become. In a most important part of our national life—our relations with foreign countries, our wars, if war should be a necessity——in all these things we shall be controlled by men elected by the English voters in the British Isles and not elected by ourselves. Anglo-Saxons will not, I believe, accept that condition of affairs. They are not prepared to submit to what must appear to them, more than to us in the Province of Quebec, a thraldom to which centuries of freedom have not accustomed them" (*d*)'

Mr. Borden said:

"I THINK THE QUESTION OF CANADA'S CO-OPERATION UPON A PERMANENT BASIS IN IMPERIAL DEFENCE INVOLVES VERY LARGE AND WIDE CONSIDERATIONS. IF CANADA AND THE OTHER DOMINIONS OF THE EMPIRE ARE TO TAKE THEIR PART

(*a*) *Hans.*, Nov. 24, 1910, p. 228.
(*b*) *Hans.*, Nov. 22, 1910, pp. 122-3.
(*c*) Ibid, pp. 124, 5.
(*d*) Ibid, pp. 134.

AS NATIONS OF THIS EMPIRE IN THE DEFENCE OF THE EMPIRE AS A WHOLE, SHALL IT BE THAT WE, CONTRIBUTING TO THAT DEFENCE OF THE WHOLE EMPIRE, SHALL HAVE ABSOLUTELY, AS CITIZENS OF THIS COUNTRY, NO VOICE WHATEVER IN THE COUNCILS OF THE EMPIRE TOUCHING THE ISSUES OF PEACE OR WAR THROUGHOUT THE EMPIRE? I DO NOT THINK THAT SUCH WOULD BE A TOLERABLE CONDITION, I DO NOT BELIEVE THE PEOPLE OF CANADA WOULD FOR ONE MOMENT SUBMIT TO SUCH A CONDITION. Shall members of this House, representative men, representing 22 constituencies of this country from the Atlantic to the Pacific, shall no one of them have the same voice with regard to those vast imperial issues that the humblest taxpayer in the British Isles has at this moment. It does not seem to me that such a condition would make for the integrity of the Empire, for the closer co-operation of the Empire. REGARD MUST BE HAD TO THESE FAR-REACHING CONSIDERATIONS, A PERMANENT POLICY WOULD HAVE TO BE WORKED OUT, AND WHEN THAT PERMANENT POLICY HAS BEEN WORKED OUT AND EXPLAINED TO THE PEOPLE OF CANADA, TO EVERY CITIZEN IN THIS COUNTRY, THAN IT WOULD BE THE DUTY OF ANY GOVERNMENT TO GO TO THE PEOPLE OF CANADA TO RECEIVE THEIR MANDATE AND ACCEPT AND ACT UPON THEIR APPROVAL OR DISAPPROVAL OF THAT POLICY" (*a*).

Mr. Sproule favored consulting the people:

"Notwithstanding that this policy CHANGES OUR RELATIONS WITH THE MOTHER COUNTRY AND THE OTHER DEPENDENCIES OF THE EMPIRE, THE PRIME Minister of Canada is quite ready in his own autocratic fashion to plunge the country into the scheme to such an extent that it may not be possible to reverse the action which he has thus unconstitutionally taken" (*b*).

In defending his government, Sir Wilfrid denied that Canada was being committed to co-operation in British wars. He said:

"A school has lately arisen in Great Britain which has quite a number of disciples in this country, the object of which has been to draw the young nations of the Empire, Canada in particular, into the armaments of England, into the maelstrom of militarism in which England is engaged as one of the great powers of Europe. We have always on this side of the House, fought against that idea. We have always maintained that the conditions of England and the conditions of Canada are so different that at this time it cannot be thought of that Canada, a young nation with everything to create, shall be drawn into the abyss of this expensive militarism. My hon. friends on the other side of the House have always been coquetting with this question, and they have always pointed to the adoption of the idea, and, in so far as they could, they have pronounced in favor of it." (*c*).

In this connection Sir Wilfrid referred to his refusal at the Conference of 1902, to provide troops for imperial service, and quoted Mr. Foster's language with reference to the action as follows:

(*a*) *Hans.*, Nov. 24, 1910, pp. 227, 8.
(*b*) *Hans.*, Nov. 28, 1910., pp. 337, 8.
(*c*) *Hans.*, Nov. 29, 1910, p. 451.

"In that respect I am not all saying that I do not think the position taken by Australia and Canada was a proper position. I am not here to comment on this to-day but simply to make the review" (*a*).

Continuing, Sir Wilfrid said:

"I beg to call the attention of the House to the fact that we refused to be drawn into the position which was asked of us, that we should have a military force under the direct control of the war office and we insisted on maintaining our autonomy in this respect as in everything else" (*b*).

Referring to a motion at the Conference of 1907, declaratory of a duty to contribute to the British Admiralty, either by cash or otherwise, Sir Wilfrid said:

"There were many reasons why for my part I could not agree to this motion, but the one reason which is germane to the present discussion is—and I alluded to it the other evening—that IT WAS DRAWING IMMEDIATELY THIS YOUNG NATION INTO THE MILITARY AND NAVAL SYSTEM OF GREAT BRITAIN, AND, FOR REASONS WHICH I SHALL STATE LATER ON, I THOUGHT THAT SHOULD NOT BE DONE" (*c*).

Sir Wilfrid said that because of former expression of such sentiments, he had incurred "much obloquy;" that he had not been disturbed because "I was in the right"; and that his justification had now arrived:

"I am happy to say that upon this very question, if defence I needed, but defence I need not, I have my defence in the words coming from the lips of the leader of the opposition, THAT UNDER PRESENT CIRCUMSTANCES IT IS NOT ADVISABLE FOR CANADA TO MIX IN THE ARMAMENTS OF THE EMPIRE BUT THAT WE SHOULD STAND ON OUR OWN POLICY OF BEING MASTERS IN OUR OWN HOUSE, of having a policy for our own purpose, and leaving to the Canadian parliament, to the Canadian government, and to the Canadian people to take part in these wars in which to-day they have no voice, only, if they think fit to do so. This is the policy which we have presented" (*d*).

Referring to Mr. Monks charge that the Liberal government had acceded to the Imperial Government Staff arrangements and had thus altered Canada's relations to the United Kingdom, Sir Wilfrid argued that the establishment of the Staff had been agreed to at the Conference of 1907; that Mr. Monk had himself approved of what had been done at the Conference; and that

"the scheme which was passed provided that the General Staff should simply collect intelligence to be distributed among the different nations of the Empire,

(*a*) Ibid, p. 452.
(*b*) Ibid, p. 453.
(*c*) Ibid, p. 453.
(*d*) Ibid, p. 455.

and in no way provided that they should participate in the maelstrom of militarism in Europe" (*a*).

Sir Wilfrid heartily agreed with Mr. Borden's declaration above quoted (*b*) to the effect that if we are to take part in wars we ought to have a voice "in the choice of peace or war". After reading Mr. Borden's language, Sir Wilfrid said:

"Noble sentiments again, wise advice again" (*c*).

Both amendments (Mr. Monks and Mr. Borden's) were lost by substantially the usual party vote. Mr. Foster did not vote in favor of Mr. Monk's motion.

SESSION OF 1910–11: As result of the general elections of 21 September, 1911, the Borden government acceded to power. There having been no opportunity of putting into practice Mr. Borden's idea of negotiating with the British government, no announcement of policy was made, and the debate which took place arose in connection with the proposed vote of $1,660,000 for the maintenance of the ships and establishments.

Mr. Lemieux said that there were

"Three members who represent especially the interests of the Province of Quebec, who are pledged against a naval policy, any naval policy; and so are their followers in this House" (*d*)

Mr. Pelletier denied the statement, adding with reference to Mr. Borden's speech of the previous session (*e*):

"I said then as I say now that when the leader of the present government on the debate on the address took up this question he made declarations which were perfectly satisfactory in the province of Quebec. Those are the facts which we stated in Quebec" (*f*).

Mr. Borden said:

"I am glad to know that the Department of Marine and Fisheries, under the control of my hon. friend the Minister who presides over that department, will have the advantage of the earnestness and ability and determination to mould such a policy which that hon, gentleman possesses, such a policy as will be in the interest of the people of Canada and of the empire as well, and I am glad to know that my hon. friend has determined THAT THAT POLICY SHALL ONLY BE

(*a*) Ibid, p. 458.
(*b*) *Ante*, p. 285.
(*c*) Ibid, p. 455.
(*d*) *Hans.*, March 18, 1912, p. 5411.
(*e*) Ante, p. 284, 5.
(*f*) *Hans.*, March 18, 1912, p. 5413.

ARRIVED AT AFTER SUCH NECESSARY CARE AND ATTENTION AS OUGHT TO BE DEVOTED TO THE SOLUTION OF A GREAT PROBLEM SUCH AS THIS, BECAUSE IT IS A PROBLEM AS I HAVE SAID ON MANY A PREVIOUS OCCASION IN THIS HOUSE THAT CONCERNS IN THE MOST VITAL, IN THE CLOSEST WAY THE RELATIONS BETWEEN THE SELF-GOVERNING DOMINIONS AND THE MOTHER COUNTRY, BECAUSE NO MAN IN THIS HOUSE OR IN THIS COUNTRY NEED DISGUISE FROM HIMSELF THE FACT THAT IF THE VARIOUS DOMINIONS OF THE EMPIRE DO ENTER INTO A SYSTEM OF NAVAL DEFENCE WHICH SHALL CONCERN AND BELONG TO THE WHOLE EMPIRE THOSE DOMINIONS, WHILE THAT SYSTEM CONTINUES, CANNOT BE VERY WELL EXCLUDED FROM HAVING A GREATER VOICE IN THE COUNCILS OF THE EMPIRE THAN THEY HAVE HAD IN PAST YEARS. I think we all, on both sides of the House, realize that any man who gives his intelligence to the solution of that particular problem will arrive at that conclusion. Therefore it is a very great problem. We may bring down a policy for consideration, a policy of the construction of a certain number of small cruisers.

Mr. Lemieux; Hear, hear.

Mr. Borden: "I am not speaking of myself, I am speaking of parliament, I am not proposing to do anything of the kind. I say that we in parliament, speaking of parliament as a whole, may enter upon a policy of constructing a certain number of cruisers of light type.

Mr. Lemieux: "Hear, hear. I agree to that; does the Postmaster-General agree to that?"

Mr. Borden: "My hon. friend does not understand the context in which I am using that illustration. I say we might do that, but in doing that WE WOULD NOT BE FRAMING THE BASIS OF A NAVAL POLICY THAT WOULD STAND IN ALL THE YEARS TO COME. It is for that reason that we thought the late government were wrong in proposing such a policy, AND THAT THEY DID NOT GO TO THE VERY HEART OF THE MATTER, AND THAT BEFORE WE ENTERED INTO ANY ARRANGEMENT OF THAT KIND WE MUST KNOW WHERE WE WERE STANDING WITHIN THIS EMPIRE. SO, WE PROPOSE THAT THE NAVAL POLICY OF THE LATE GOVERNMENT SHOULD NOT BE CONTINUED, AND WE DO PROPOSE BEFORE ANY NAYAL POLICY IS ENTERED UPON THAT SOME OF THESE MATTERS SHALL BE CONSIDERED, AND WHEN THAT POLICY IS BROUGHT DOWN IT SHALL BE PRESENTED TO PARLIAMENT, AND THE PEOPLE OF THIS COUNTRY SHALL BE GIVEN AN OPPORTUNITY TO PRONOUNCE UPON IT" (*a*).

THE SITUATION.

The situation may be summed up as follows:

1. There are at present no arrangements between Canada and the United Kingdom with reference to co-operation in war.

2. Canada is under no constitutional obligation to take part in British wars.

3. And in the absence of a voice "in the choice of peace or war," she is under no moral obligation.

4. Nevertheless, Canada, may, at any time, be attacked by any nation at war with the United Kingdom, and to the extent of defending herself, must take part in the war.

(*a*) Ibid, pp. 5462, 3.

5. This anomaly in Canada's war relation to the United Kingdom arises out of the anomaly of the political relation, Canada being nominally, but not really, a part of the British Empire—nominally, that is to say, but not really, territory under the sovereignty of the parliament of the United Kingdom.

6. Canada has always asserted her perfect freedom to join or refrain from participation in British wars.

7. But she has also, by unanimous resolution, expressed her conviction that "whenever the need arises" she will be ready to co-operate.

"in every movement for the maintenance of the integrity and honor of the Empire (*a*).

8. The resolution, although expressed in general terms, was intended to apply to the specific occasion. And we are unanimously of opinion that we are under NO OBLIGATION WITHOUT REPRESENTATION.

9. Canada has entered into some close and minutely detailed arrangements with the United Kingdom with reference to war-preparations, in order to make more effective any aid that she may at any time offer .

10. Question as to the compromising effect of those arrangements is no longer important. The Laurier government always declared that perfect freedom of action was retained. And the Borden government, besides announcing its intention to repeal the navy act, has declared that our war-relations with the United Kingdom must be definitely settled in accordance with the principle: NO OBLIGATION WITHOUT REPRESENTATION.

Mr. Borden's mission is one of essentially delicate character. His position, however, is strong and secure—strong, in that he has behind him unanimous opinion in Canada as to the principle which he will submit to the British government, and secure in that the principle which he asserts is indisputable. He may well say to the British government.

"Do the inhabitants of Great Britain imagine that Canadians will submit to something which they would not tolerate themselves? If Canadians did so, then the term 'only a colonial' would certainly be appropriate" (*b*).

(*a*) Ante, p. 278.
(*b*) Ante, p. 248.

JOHN S. EWART.

OTTAWA, April, 1912.

THE KINGDOM PAPERS, No. 10.

DIFFICULTIES, DANGERS, DUTY.

The present number completes the first volume of the Papers. The writer hopes to continue their publication, but his proposed absence from Canada will necessitate a few months intermission.

The present volume, bound in cloth, will be forwarded upon receipt of sixty cents to cover binding and postage. Postage on unbound sets is fifteen cents. An index will be sent free.

JOHN S. EWART,
Ottawa, Can.

DIFFICULTIES, DANGERS, DUTY.

(In order to draw attention to the purpose for which quotations are employed, italics not appearing in the original are sometimes made use of.)

KINGDOM Paper No. 9 had for its subject the proposed change in the war-relation between Canada and the United Kingdom. Down to the present time, not only have we never assumed an obligation to participate in British wars, but, through Sir Wilfrid Laurier, we have frequently asserted complete freedom of action in that respect—subject only to the possibility of being attacked. Nevertheless we have, to some extent, compromised the freedom which we have asserted : (1) by establishing a Canadian navy; (2) by associating ourselves with the Imperial Defence Committee; (3) by assenting to the creation of an Imperial General Staff, with its local sections; (4) by concurrence in the elaboration of plans for imperial defence; and (5) by the acceptance of confidences as to foreign policy.

Canada is not quite satisfied with this situation. The Borden Government believes that the order of our procedure ought to be reversed—that we ought to think first and act afterwards; that our war-relation should be revised; that it should be settled in accordance with the principle NO OBLIGATION WITHOUT REPRESENTATION; and that only after such revision, can we intelligently determine upon the proper course of naval preparation.

Canada is, thus, at a most critical juncture. Much of her subsequent history will depend upon what she now does. Are we too much engaged in our individual private affairs to study the situation? We all have our special predilections and prejudices; we are (most of us) Imperialists or Nationalists, Conservatives or Liberals (or, at all events, with tendencies in one direction or the

other)—are we content to trust to our inclinations in a matter of such enormous importance, or are we willing to read a little, and to think a little? For those who desire information, Paper No. 9 was intended to offer an opportunity of understanding the situation. It contained but little comment upon the proposed revision of our war-relation. I now beg to submit some observations with reference to its difficulties, its dangers, and our duty in respect of it.

DIFFICULTIES.

The difficulties of forming an arrangement with the United Kingdom by which the Dominions shall acquire a voice in "the issues of peace or war throughout the Empire" are very great. Consideration of the present system will indicate their reality.

The Foreign Secretary: The work of diplomacy is in the hands of the Foreign Secretary—a member of the Cabinet—and his labors may roughly be divided (from the point of view of importance) into four classes: (1) In the vast majority of cases he acts upon his own unaided idea; (2) Upon occasions of special importance he consults with the Prime Minister; (3) When thought necessary the matter is brought to the attention of the Cabinet; and (4) Sometimes the King is informed of the Foreign Secretary's views, and is given an opportunity of exercising his function of offering warning and advice. The Foreign Secretary is responsible to the government; the government must, in very special matters, obtain the assent of the Sovereign; and the government, for its every act, is responsible to parliament, by which it may be punished by dismissal.

There is no rule by which cases calling for action are to be assigned to the classes just mentioned—by which they are to be considered as (1) ordinary; (2) special; (3) very special; and (4), as we may say, "extra hazardous". Foreign Secretaries have varying temperaments—some are timid and talkative, others are confident and reticent. Palmerston was dismissed because everything was to him obvious and indisputable. Imagine the usefulness to Palmerston of an advisory council of colonials! He would not consult even his Prime Minister; and he disregarded the requirements of his Sovereign. Not to go back as far as the Pitts, remember Lord Salisbury. The present Foreign Secretary appears to be one of the same confident sort.

This, then, being the system, where is there opportunity for colonial co-operation?

Probably we may assume that matters included in the first and second of the four classes are not to be submitted to representatives of the colonies. The Foreign Secretary must continue to be the executive. He must be free to act, or to consult, as he thinks right. His work must not fie made impossible. But, so to say is at once to announce in advance that the colonies will frequently be committed to courses of action which they disapprove. And if it be said that we should, in that respect, be no worse off than the United Kingdom itself, the reply is that the Foreign Secretary acts with careful regard to what he believes to be acceptable to his countrymen; that, in case of doubt, he frequently consults with the Prime Minister and "the inner Cabinet"; and that (unavoidably) he knows less and cares less for opinion in the colonies. Before closing this Paper, some illustrations from recent happenings, sufficient to make this point clear, will be referred to.

If, then, the colonial representatives are not to supervise all the work of the Foreign Secretary, there are but two ways in which their influence can be exercised upon him or upon the British government: (1) by an advisory voice—a voice formulated by some advisory council, or (2) by a real voice declared at the meetings of the British Cabinet. That is to say, the colonials must either sit separately from the controlling body, in which case their determinations can be of advisory character only; or they must sit with those who decide, in which case they may take part in the discussions and share in the decision.

An Advisory Voice: The first of these alternatives might very well be put aside with the reminder that the right to offer advice is not at all the sort of arrangement contemplated by the Borden government. It was not the right to offer advice that Mr. Doherty had in mind when he said:

> "From that it would seem to me fairly to follow that the condition precedent to our undertaking to participate in the naval defence of the Empire is that we should be given an effective voice IN THE GOVERNING AND DETERMINATION OF THE FOREIGN RELATIONS OF THE EMPIRE"(*a*).
>
> "What I desire to do is simply to make clear that the finding of a way by which we may have a voice, and a REAL VOICE, IN THE CONTROL OF THE FOREIGN POLICY OF THE EMPIRE, is an essential condition precedent to our embarking upon any permanent policy of participating in the maintenance of naval forces; that that is an essential condition precedent if our autonomy . . . is to be maintained" (*b*).

(*a*) *Hans.*, 1909, 10, p. 4137.
(*b*) *Ibid.*, p. 4138.

It was not to a merely advisory council that Mr. Borden referred when he said (24 November, 1910):

"I THINK THE QUESTION OF CANADA'S CO-OPERATION UPON A PERMANENT BASIS IN IMPERIAL DEFENCE INVOLVES VERY LARGE AND WIDE CONSIDERATIONS. IF CANADA AND ANY OTHER DOMINIONS OF THE EMPIRE ARE TO TAKE THEIR PART AS NATIONS OF THE EMPIRE IN THE DEFENCE OF THE EMPIRE AS A WHOLE, SHALL IT BE THAT WE, CONTRIBUTING TO THAT DEFENCE OF THE WHOLE EMPIRE, SHALL HAVE ABSOLUTELY, AS CITIZENS OF THIS COUNTRY, NO VOICE WHATEVER IN THE COUNCILS OF THE EMPIRE TOUCHING THE ISSUES OF PEACE OR WAR THROUGHOUT THE EMPIRE? I DO NOT THINK THAT SUCH WOULD BE A TOLERABLE CONDITION, I DO NOT THINK THE PEOPLE OF CANADA WOULD FOR ONE MOMENT SUBMIT TO SUCH A CONDITION (*a*).

The suggestion, therefore, of an advisory council might be left unconsidered; but, probably, some short examination of its difficulties will be of service: (1) because, in popular discussion, a good deal has been said about such a council; and (2) because apprehension of its difficulties will bring into clearer relief the perplexities of the alternative proposal.

In answer to a demand for an advisory council, we should probably be most courteously told that British governments had always been glad to accept advice from all sources; that it was hoped that the Dominions would be good enough to send advice freely upon every available occasion; that all such advice would always be taken into most careful consideration; but that the organization of a special council for the purpose of discussing British foreign politics and advising the British government what to do, would be objectionable upon grounds quite inapplicable to individual suggestion. Some of the grounds are obvious:

(1) Would the council have the right of initiative? Or would it act only upon the request of the Foreign Secretary? Or would an attempt be made to define the classes of cases which he would refer to the council? For example, could a provision be made that whenever the Foreign Secretary deemed a matter to be of sufficient importance to be laid before the Cabinet, it should be sent to the council also?

If the council had the initiative, and if Mr. Deakin or Sir Joseph Ward were a member of it, the colonies would probably exercise their advisory voice upon every point of detail in Foreign Office operations; and the difficulty would be to get a Foreign Secretary who would put up with their interferences. If the council acted only upon request, it would have little to do. And if reference was

(*a*) *Hans.*, p. 228.

to be made to the council whenever the Cabinet was being consulted, the only effect would be to reduce references to the Cabinet.

The first difficulty, therefore, relates to the functions of the council. Under what circumstances is it to act? May it initiate, or must it wait for references? And if the latter, what matters are to be referred?

(2) Then how would the council act—with or without information? If it may initiate, may it also call for all the papers necessary for the exercise of judgment—that is, may it insist upon always knowing everything that the Foreign Secretary knows? And if it is to act upon reference only, may it require complete disclosure, even upon points that the Foreign Secretary may deem to be unassociated with the matter submitted?

(3) Very frequently, resolution with regard to foreign complications has to be taken promptly and delayed action is impossible —how, in such cases would the council proceed? Is time to be given for consultation with the colonial governments by their respective London representatives, or are the representatives to do as they think best? If the former, the delays would be too great. And if the latter, we are without opportunity for exercise of opinion. It would be our London agent, and not ourselves, that would be consulted.

(4) Naturally, any reference to the council must precede consideration by the Cabinet. Advice after discussion (and perhaps action) would be of little service. But is the Cabinet to await the meeting of the council; the communication with the colonial governments; and the formulation of advice, with its supporting reasons?

(5) What is to happen if, as is probable, the advice of the council is not accepted? Are the colonies, nevertheless, to be bound by what is done? The Foreign Secretary is responsible to the Cabinet, and must do as it directs or resign. He is not responsible to us, and may do with our advice as he pleases. Are we to continue formulating unacceptable advice? How long would we do so?

(6) Apart from the foregoing and other points of similar nature, it is to be remembered that the proposal of an advisory council has already been formally made by Sir Joseph Ward (New Zealand) and has been unanimously and officially rejected. At the Imperial Conference of 1911, Sir Joseph moved:

"That the Empire has now reached a stage of imperial development which renders it expedient that there should be an Imperial Council of State, with representatives from all the constituent parts of the Empire, whether self-governing or not, in theory and in fact ADVISORY TO THE IMPERIAL GOVERNMENT

ON ALL QUESTIONS AFFECTING THE INTERESTS OF HIS MAJESTY'S DOMINIONS OVERSEA."

Not only has this proposal been made, but the reason for making it was precisely the same as that which is now urged by the Borden Government, namely, the necessity for a voice in "the issues of peace or war." In his speech at the Conference, Sir Joseph said:

"I think I am further right in expressing the opinion that, as the years go on, the voice of the great democracies in the overseas Dominions will not be stopped from advocating that where they are expected, and rightly so, to share in the responsibilities of the tributes that may ensue connected with any war affecting the stability of the British Empire, THEY ARE ENTITLED, AS A MATTER OF RIGHT, NOT AS A MATTER OF APPEAL, TO HAVE SOME SAY, EVEN ALTHOUGH THEY MAY BE IN A MINORITY, UPON SOME PROPERLY CONSTITUTED BODY THAT IS GOING TO DECIDE THE QUESTION AS TO WHETHER THERE IS TO BE PEACE OR WAR. My opinion is that they ought to have some representation, and that it ought to be upon a basis that will meet with the general approval of the people of Great Britain and the oversea Dominions" (*a*).

During the debate upon the resolution Sir Wilfrid Laurier said:

"I must say, with all respect and due deference to Sir Joseph Ward, the proposal seems to me to be absolutely impracticable" (*b*).

Mr. Fisher (Australia) said:

"I want to be correct, but Sir Wilfrid has really expressed my own view. I think it is not a practical scheme, if he will allow me to put it in that brief way, at the present moment" (*c*).

General Botha (South Africa) said:

"I have asked myself whether this proposal which has been brought forward is a practical one. No one can feel more than I do, that as often as the British Government has to deal with matters which may affect a particular part of the Empire, it is essential that the particular Dominion concerned should have an opportunity of being heard and of expressing its views. After the most careful consideration, however, I have come to the conclusion that this object cannot satisfactorily be attained through an imperial council such as proposed in this resolution. How is such a council to be appointed? Who will decide what matters must come before it. What authority is to be vested in it? To what representative body is such a council to be responsible? These are only a few of the questions which crop up immediately, and it seems to me that no satisfactory reply can be given to them.

If any authority is to be vested in such an imperial council, I feel convinced that the self-governing powers of the various parts of the Empire must neces-

(*a*) *Proceedings*, 1911, p. 67.
(*b*) *Ibid.* p. 68.
(*c*) *Ibid*, p. 69.

sarily be encroached upon, and that would be a proposition which I am certain no parliament in any part of the Empire will entertain for one moment. If no real authority is to be given to such a council, I fear very much that it would only become a meddlesome body which will continually endeavor to interfere with the domestic concerns of the various parts of the Empire, and cause nothing but unpleasantness and friction—in fact, the very opposite of what we desire" (*a*).

Sir Edward Morris (Newfoundland) said:

"Mr. Asquith, I desire to say that I also have listened with the very greatest interest to the very interesting and able address of Sir Joseph Ward, and I am in entire sympathy with the underlying motive or suggestion running through his remarks, but I am quite convinced that the proposal would not in any way effect what he desires. I quite appreciate and agree with the suggestion arising out of your question that the effect of such a council, legislative body, or parliament, as is now proposed would be to supervise the function of the imperial government, and that the two bodies could not exist together" (*b*).

Mr. Asquith said:

Sir Joseph Ward, in a speech, the ability and interest of which we all acknowledge, which must, and undoubtedly did, represent the expenditure of a great deal of time and thought, has presented us with a concrete proposition, but it is a proposition which not a single representative of any of the Dominions, nor I, as representing for the time being the imperial government, could possibly assent to.

"For what does Sir Joseph Ward's proposal come to? I might describe the effect of it without going into details in a couple of sentences. It would impair, if not altogether destroy, the authority of the government of the United Kingdom in such grave matters as the conduct of foreign policy, the conclusion of treaties, the declaration and maintenance of peace, or the declaration of war, and, indeed, all those relations with foreign powers, necessarily of the most delicate character, which are now in the hands of the imperial government, subject to its responsibility to the imperial parliament. THAT AUTHORITY CANNOT BE SHARED, AND THE CO-EXISTENCE SIDE BY SIDE WITH THE CABINET OF THE UNITED KINGDOM OF THIS PROPOSED BODY—IT DOES NOT MATTER BY WHAT NAME YOU CALL IT FOR THE MOMENT—CLOTHED WITH THE FUNCTIONS AND THE JURISDICTION WHICH SIR JOSEPH WARD PROPOSED TO INVEST IT WITH, WOULD IN OUR JUDGMENT, BE ABSOLUTELY FATAL TO OUR PRESENT SYSTEM OF RESPONSIBLE GOVERNMENT.

"That is from the imperial point of view. Now from the point of view of the Dominions, I cannot do better than repeat in my own words what was said by Sir Wilfrid Laurier. So far as the Dominions are concerned, this new machine COULD IMPOSE UPON THE DOMINIONS, BY THE VOICE OF A BODY IN WHICH THEY WOULD BE IN A STANDING MINORITY (that is part of the case) in a small minority indeed, A POLICY OF WHICH THEY MIGHT ALL DISAPPROVE, of which some of them at any rate possibly and probably would disapprove, a policy which would in most cases involve expenditure, and AN EXPENDITURE WHICH WOULD HAVE TO BE MET BY THE IMPOSITION ON A DISSENTIENT COMMUNITY OF TAXATION BY ITS OWN GOVERNMENT.

(*a*) *Ibid*, pp. 69, 70.
(*b*) *Ibid*, p. 70.

"We cannot, with the traditions and the history of the British Empire behind us, either from the point of view of the United Kingdom or from the point of view of our own self-governing Dominions, assent for a moment to PROPOSALS WHICH ARE SO FATAL TO THE VERY FUNDAMENTAL CONDITIONS ON WHICH OUR EMPIRE HAS BEEN BUILT UP AND CARRIED ON" (*a*).

To these excerpts may well be added an extract from Sir Wilfrid Laurier's speech upon Sir Joseph Ward's subsequent motion, expressing regret that the colonies had not been consulted prior to the international agreement embodied in the Declaration of London. Sir Wilfrid said:

"We may give advice if our advice is sought; but if your advice is sought, or if you tender it, I do not think that the United Kingdom can undertake to carry out that advice UNLESS YOU ARE PREPARED TO BACK THAT ADVICE WITH ALL YOUR STRENGTH, AND TAKE PART IN THE WAR and insist upon having the rules carried out according to the manner in which you think the war should be carried out. WE HAVE TAKEN THE POSITION IN CANADA THAT WE DO NOT THINK THAT WE ARE BOUND TO TAKE PART IN EVERY WAR, AND THAT OUR FLEET MAY NOT BE CALLED UPON IN ALL CASES, AND, THEREFORE, FOR MY PART, I THINK IT BETTER UNDER SUCH CIRCUMSTANCES TO LEAVE THE NEGOTIATIONS OF THESE REGULATIONS AS TO THE WAY IN WHICH THE WAR IS CARRIED ON TO THE CHIEF PARTNER OF THE FAMILY, the one who has to bear the burden in part on some occasions, and the whole burden on perhaps other occasions" (*b*).

The debates just referred to are, in view of the present situation, of the highest value, for they not only relate to the precise point that we have now under consideration, but the discussion proceeds along the same lines that we must pursue. Observe the fundamental ideas:

(1) The colonies are not now under obligation to participate in British wars. One of Mr. Asquith's objections to the proposed council was that it "could *impose* upon the Dominions" a policy which they disapproved.

(2) The colonies ought not to be expected

"to share in the responsibilities of the troubles that might ensue connected with any war" unless they are "to have some say, even although they may be in a minority, upon some properly constituted body that is going TO DECIDE THE QUESTION AS TO WHETHER THERE IS TO BE PEACE OR WAR."

It was Sir Joseph Ward, the imperialist, *par excellence*, of the Conference who used that language.

(3) The Conference determined that a council, in which the colonies would have a voice in questions relating to peace or war,

(*a*) *Proceedings*, pp. 70, 71.
(*b*) *Proceedings*, p. 117.

would be fatal to existing fundamental political arrangements, and was consequently impracticable.

Probably no further discussion of the possibility of establishing an advisory council as a means of affording to us a voice in "the issues of peace or war" is necessary. Objections to it are overwhelming:

(1) It would not give us a voice in "the issues of peace or war", but a mere opportunity of offering advice. Instead of a right to take part in the decision, we should have merely a right to advise those who were going to decide.

(2) Practical difficulties preclude the effectiveness of such a council:

(*a*) If it is to act on its own initiative, it would be meddlesome and worrisome.

(*b*) If it is to act upon reference only, it would be ineffective.

(*c*) If it is to act only after opportunity has been given to the colonial representatives to obtain the views of their respective governments, and if the British Cabinet cannot act until after receipt of the council's advice, the delays would be insupportable.

(*d*) If such opportunity is not given, the council would not fulfill its purpose.

(3) What is to be the effect should the colony advise one way and the Cabinet act otherwise? Are we, nevertheless, to be bound? And are we still to be content to go on formulating unacceptable advice?

(4) As Mr. Asquith has said, an advisory council would be inconsistent with the British form of government; it would

> "be absolutely fatal to our present system of responsible government."

(5) As Mr. Asquith has said, it would be

> "fatal to the very fundamental conditions on which our Empire has been built up and carried on."

(6) As Mr. Asquith has said:

> "This new machine could impose upon the Dominions, by the voice of a body in which they would be in a standing minority . . . a policy of which they might all disapprove. . . a policy which would in most cases involve an expenditure, and an expenditure which would have to be met by the imposition on a dissentient community of taxation, by its own government."

(7) And as Sir Wilfrid Laurier has, in the same sense, said, giving advice would mean obligation to participate in war.

The principal objection to any advisory council is not the

difficulty of organizing it, or of working it, or of arranging its details. It is this: That Canada will not assume war-obligations under arrangements in which she shall be left without a real voice in "the issues of peace or war"—under which the Foreign Secretary would listen to us respectfully; would assure us of his most careful consideration; and would then do as he pleased—act on his own idea, or take the matter to the Cabinet where, in the absence of a Canadian voice, and under oath of secrecy, the issues of peace or war would be debated and determined. NO OBLIGATION WITHOUT REPRESENTATION is our governing principle.

A Real Voice: If the colonies are to have a real voice in "the issues of peace or war"—if their representatives are to be in a position to vote upon the subject and not merely to have a right to advise others how to vote—seats must be provided for colonials at meetings of the British Cabinet. To those who have any familiarity with the working of the British constitution, that is a staggering proposal. In much greater degree than the suggested advisory council, would the idea be fundamentally incongruous with the British system of government.

Remember that the Cabinet is the great executive of the nation; that it is composed, exclusively, of members of the British parliament; that it is appointed (indirectly) by the House of Commons; that for every detail of its action, it must give account to the House; that at any moment that House may disapprove what it has done, dismiss it from office, and, by appointing a new Cabinet, require reversal of the condemned policy—remember this and the incongruity of the proposal is obvious. Consider the following:

(1) The Cabinet is to cease to have control of the most important of all subjects "the issues of peace or war". Persons from far-away countries, with ideas and conceptions different from those held by the Cabinet—persons who could not fail to regard many questions with colonial eyes—are to share in that control.

(2) Not only would the Cabinet cease to be composed exclusively of members of parliament, but the addition would be of men over whom parliament had no control—men who might be thought to be acting with a view more to the interests of their colonies than to the safety of the United Kingdom.

(3) If the Cabinet goes wrong, it can be turned out. Over the colonial representatives, the British parliament would have no control. It might dismiss the Cabinet and set up another, but the same colonial representatives would still go to Cabinet meetings to vote for the policy that parliament had condemned.

(4) What would be the position in case the votes of the colonial representatives turned the decision of the Cabinet—if the majority of it, for example, favored peace (say with Japan), but a minority plus the colonials, decided upon war? Would there be war? Of course not. Why? Because it is the King who declares war, and it is the Cabinet that advises the King. And if the addition of the colonials made a majority in favor of peace, would there be peace? No—a provocative word in the next Foreign Office despatch would precipitate the war.

(5) Is the relation between the Cabinet and the House of Commons to remain the same, or to be changed? At present if the Cabinet goes wrong it is dismissed. But if it should endeavor to go right, and if its majority should be turned into minority by the colonials—if its majority wanted war and yet the decision was for peace—what is to be done? To condemn the Cabinet would be to punish the wrong body. And there is no power to chastise the guilty. The House of Commons would, to that extent, have lost control of its own executive. Mr. Asquith has said that an advisory council would

"be absolutely fatal to our present system of responsible government."

Admission to the Cabinet of persons unamenable to parliament would mean subversion of the most distinguishing characteristic of the British constitution.

In considering the difficulties of giving to Canada either an advisory or a real voice in "the issues of peace or war", remember, too, that the suggestion is complicated by the fact that a similar voice must be given to Australia, New Zealand, South Africa, and (shall we say) Newfoundland; that they deem themselves very competent to exercise it; and that it would almost certainly be out of harmony with a voice trained in Canada.

Illustrations.

In illustration of what has been said with reference to the impracticability of several countries carrying on their diplomacies conjointly, and also of some other points referred to in other parts of this Paper, two recent occurrences may, with some profit, be recalled—the last war (the Boer war), and the recent escape from war, in July last.

The Boer war: On October 9th, 1899, President Kruger's ultimatum arrived at the Colonial Office. It demanded the withdrawal of all troops from the Transvaal border; the removal from

South Africa of all recently arrived troops; and the return of all those then on the sea. Failing a satisfactory reply within forty-eight hours, the Transvaal Government would

"be compelled to regard the action of Her Majesty's Government as a formal declaration of war."

A voice in the "issues of peace or war" would be of little use after the arrival of that message, for the reply—the only possible reply, at that stage, was that

"the conditions demanded . . . are such as Her Majesty's Government deem it impossible to discuss."

At what previous period could an advisory council have met for the purpose of discussing peace or war? Probably at none—unless the council was one which took complete charge of the course of the negotiations.

The difficulty between the nations was the presence in the Transvaal of large numbers of foreigners—principally British—and the demand of the British government that the laws of the Transvaal should be so changed that those foreigners might be naturalized as citizens of the Republic, and so obtain a right to vote. It was a most curious demand—one the like of which had never before been imagined—a demand that British subjects should have, as quickly as possible, the right to cease to be British and become liable to war-service against the United Kingdom. The negotiations with reference to it and to other claims, extended over several years. They were interrupted by the Jameson raid in 1896, and probably the chief cause of the subsequent war was the sympathy shown by Englishmen for the marauders and those who organized their attack. Mr. A. Conan Doyle said:

"The raiders were sent home, where the rank and file were very properly released, and the chief officers were condemned to terms of imprisonment which certainly did not err on the side of severity. Cecil Rhodes was left unpunished, he retained his place in the Privy Council, and his chartered company continued to have a corporate existence. This was illogical and inconclusive. As Kruger said "It is not the dog which should be beaten, but the man who set him on me" (*a*).

Ought we to have had a voice at that stage? As against foolish, popular enthusiasm, what could we have urged?

(*a*) In impartiality, Mr. Doyle's book *The Great Boer War*, compares favorably with any other on the subject. See pp. 39, 40.

After that date the climax arrived by almost insensible advances. Mr. Chamberlain increased his limit of necessary residence in the Transvaal before naturalization to five years (with retroactive effect). Mr. Kruger came down to seven and afterwards to five, with conditions. Mr. Kruger wanted arbitration in case of further difficulty. Mr. Chamberlain assented, with the proviso that no foreigner (to both nations) was to be an arbiter. Mr. Chamberlain afterwards said :

"We did not accept everything, but we accepted at least nine-tenths of the whole."

and, having gone so far, he recurred to other questions that he thought ought to be settled at the same time, namely the position of the native races and the treatment of Anglo-Indians. As Mr. Doyle has said:

"It is curious in turning over the files of such a paper as *The Times* to observe how, at first, one or two small paragraphs of military significance might appear in the endless columns of diplomatic and political reports; how gradually they grew and grew until at last the eclipse was complete, and the diplomacy had been thrust into the tiny paragraphs while the war filled the journal " (*a*).

At what stage of this gradual evolution of war ought the Council to have been summoned?

Germany: Last summer (1911), the United Kingdom was on the verge of war with Germany. Nobody (outside the Cabinet) knew anything about it, or the reason for it, until Mr. Lloyd George in the course of a speech at the Mansion House (21 July) made reference to the international situation respecting Morocco, and added:

"But if a situation were forced upon us in which peace could only be preserved by the surrender of the great and beneficent position Britain has won by centuries of heroism and achievement, by allowing Britain to be treated, where her interests were vitally affected, as if she were of no account in the cabinet of nations, then I say emphatically that peace at the price would be a humiliation intolerable for a great country like ours to endure."

The language was intended as a warning to Germany. The speaker received many complimentary acknowledgments, and Germany was once more pelted with execrations and insults. What was it all about? Was the quarrel one in which Canada was interested? In what way could a council have protected us?

(*a*) *The Great Boer War*, p. 58.

France owned (practically) Algeria and Tunis (in Africa, on the south shore of the Mediterranean) and wanted to acquire Morocco, thus extending her empire westward to the Altantic. The Moors could not offer opposition, but the United Kingdom, Spain and Germany had to be settled with. In 1904, a settlement was made with the United Kingdom. France was to do as she wished in Morocco and the United Kingdom as she pleased in Egypt. That was the beginning of the Anglo-French *entente*. With Spain a secret agreement was made in October 1904, but Germany proving difficult (*a*) a convention met at Algeciras (1906). Those were anxious days. England thought that Germany wanted an excuse for war with France. Germany said that all she wanted was preservation of her "economic interests" in Morocco, and, for that reason, its political independence. The negotiations were long and the end uncertain. England stood by France, and Austria supported Germany. An agreement was eventually made. France and Spain were permitted certain special privileges in Morocco with a view to the accomplishment of certain reforms—organization of the Sultan's police, suppression of illicit trade in fire-arms, etc.—everything, however, was subject to the agreement that the reforms were

"based upon the threefold principle of the sovereignty of His Majesty the Sultan; the integrity of his dominions; and economic liberty without any inequality."

Two of these principles have already been relegated to past history. Spain has cut a slice or two off the dominions, and France has taken military possession of Fez, the capital. Very naturally Germany protested, declaring that France had "profoundly modified" the agreement of Algeciras. New negotiations between France and Germany ensued, with a view to satisfying Germany's objections. Compensation to Germany was proposed by cession of territory in the French Congo region. The United Kingdom had got her compensation in Egypt; Spain in the Riff coast; and now Germany had to be arranged with.

As a hint that France could not be permitted, of her own motion, to violate the Algeciras agreement, Germany sent (1 July, 1911) a warship to Agadir, an open roadstead on the west coast of Morocco. Thereupon, Sir Edward Grey sent for the German Ambassador (4 July) and said to him that "a new situation had been created" by Germany's action, and that the United Kingdom "could not recognize any new arrangement that might be come to" apart from

(*a*) In the spring of 1905, the Kaiser paid a personal visit to Tangier and spoke of dealing with the Sultan as an independent sovereign.

her. On Sir Edward Grey's instructions, the British Ambassador at Berlin made the same statement to the German Foreign Minister (12 July).

On the 20th July *The Times* announced that Germany had demanded the cession of about one-third of the French Congo. On the 21st, Sir Edward Grey told the German Ambassador that he

"had been made anxious by the news which appeared the day before as to the demands which had been made on the French Government."

Those demands, he said

"it was obviously impossible for the French Government to concede;"

and he added that if the negotiations came to nothing the United Kingdom would have to

"become a party to the discussion of the matter."

It was in the evening of the same day that Mr. Lloyd George, after consultation with the Prime Minister and Sir Edward Grey, made his Mansion House speech. Not only had no time been given for the German Ambassador to communicate with his Government, but the British Cabinet itself had not been consulted. And thus a speech, intended as an ultimatum to Germany, a speech that would have meant war, had Germany been searching for a pretext, was delivered not only without the possibility of obtaining the views of the governments of the various colonies, but without the assent or even knowledge of the British Cabinet itself (*a*).

Surely Mr. Asquith was right when he said that the responsibility of the British Cabinet with respect to the conduct of foreign affairs was one that could not be shared.

Alliance.

Some readers may have hesitated to accept, as insuperable, the difficulties above stated. They may have felt that the points taken were of the merely legal and technical sort, and could be got rid of in some common-sense way. Why, apart from all these subtleties, cannot two or even six nations concur as to foreign policy?

(*a*) The facts are to be found in the speech of Sir Edward Grey of 27th November, 1911; the German Foreign Minister's speech 17 November (Cd. 5992); the German Chancellor's speech of 5th December (Cd. 5994) and the speech of the French Foreign Minister of 15th December. See also articles in the *Nineteenth Century*. November, 1911. p. 834, and February, 1912, p. 233.

The answer is that they can, and frequently do in certain well-known ways. They may enter into an alliance of completely offensive and defensive character, or defensive only, or defensive under certain circumstances. There is no end to the variety of agreements for war-co-operation which they may make.

But arrangements of that class are fundamentally different from those which we have been considering. The United Kingdom and Japan have a war alliance. If one is attacked (under certain circumstances) the other must assist. Neither has a voice in the diplomacies of the other. Each does as it pleases. Each takes the risk of what the other may do. Each insures the other against the consequences of its own acts. Each "gangs its ain gait", and calls for help when it gets itself into trouble.

That is simple enough, but no one imagines that the United Kingdom and Japan could arrange for joint-diplomacies—that each Foreign Secretary could have an advisory council in which representatives of both nations should tell him what to do; or that each Cabinet should have, at its meetings, nominees of its ally.

It is not otherwise with the different parts of the King's dominions. Any arrangements that can be made between them must, as far as I can see, take the form, not of joint-diplomacies, but of war-alliance. The former I believe to be impracticable. For the latter there are plenty of precedents, and the only question is whether the parties would be willing to agree to it. Would the United Kingdom, for example, pledge its assistance in every war which any of the colonies might provoke? Would Canada agree to assume responsibility not only for British, but for Australian and New Zealand diplomacy? I have on previous occasions (*a*) urged consideration of the possibility of an arrangement along this line. I see the difficulties, but their solution would, at all events, not necessitate subversal of all our constitutions.

There is no instance in which two constitutionally-governed countries have combined the conduct of their foreign policy. The nearest approach to it is the case of Austria-Hungary, two countries which, maintaining as they do separate parliaments, form an example of two kingdoms (although one calls itself an Empire) under one sovereign. Their foreign policy they hand over to the common sovereign who conducts it through a foreign minister appointed by himself; and so little is the sovereign and his minister responsible to either parliament that when they desired (1878) to annex Bosnia

(*a*) Ante, pp. 18, 86, 137, 151, 152.

and Herzogovina, the opposition of both parliaments was ineffective (*a*). We need not expect that anybody will propose a similar arrangement for the King's dominions.

An alliance or an *entente cordiale* appear to me to be the only alternatives open to us.

DANGERS.

The Maelstrom: From a military point of view, present-day Europe is frequently compared to a mighty maelstrom in which the wealth and the manhood of the communities are engulfed. The nations pretend to be christian, but their principal energies are devoted to preparation for mutual slaughter. "Love your enemies as yourself", is their maxim, but to be well prepared to kill their warmest friends is their most anxious and unremitting endeavor. Each of them has in view (so it says) its own defence—that and nothing more—absolutely. Each declares that the only way to ensure peace is to be perfectly prepared for war. Each makes such war-alliances as it can in order (so it says) that the white-winged dove may never be disturbed. But despite all these elaborate and pauperizing precautions, war is always imminent; war is always the anxious topic; war is always demanding more millions and mightier sacrifices.

At present, Canada is outside that maelstrom. She has, indeed, a formal association with the United Kingdom which may, at any moment and for a particular occasion, sweep her into the fatal vortex. But of that there is little likelihood; for the enemies of the United Kingdom are those alone who can force Canada to fight, and they, of course, much prefer that Canada should remain quiescent. Canada is outside the maelstrom; does she want to enter it?

Living so far from its mad whirl, observing it through newspaper paragraphs only, Canadians may be pardoned if they fail to realize its gigantic proportions, its ever-varying gyrations, its pitiful reactions upon economic conditions. No attempt will now be made to picture, with the least approach to completeness, either its monstrous extent, its baneful effects, or the anxious dread which its existence makes an increasing part of European life. Let me supply a few figures and a few suggestions.

(*a*) Lowell: *Governments and Parties*, etc. Vol. II, p. 178. The British Ambassador at Vienna, in a report to his government said, "No direct influence can be exercised by either parliament on the conduct of foreign affairs, nor is the Minister for Foreign Affairs in any way responsibe for them." (Cd. 6102, p. 2).

Turkey has a war army of one million men; Italy has two millions; Austria-Hungary has two and one-half millions; France has four millions; Russia has four and one-half millions; Germany has five millions; Europe (exclusive of the United Kingdom and exclusive of the navies) has a war-establishment of over twenty-one millions of men. The estimate of the total expenditure of the United Kingdom for the current year (exclusive of national debt) is for army and navy, £72,083,000, and for all other services, £84,701,000. At the 1902 Colonial Conference, when Mr. Chamberlain was chiding us for lack of contribution to his Boer-war, he told us that the normal war-expenses upon a peace basis of the United Kingdom amounted to 29s. 3d. per head of the population while

"in Canada the same items involve an expenditure of only 2s. per head of the population; about one fifteenth of that incurred by the United Kingdom (*a*).

On the day on which I write (May 22), the *Toronto Globe* published the following telegram from Berlin:

"The Reichstag to-day passed the third reading of the bills increasing the German army and navy. The navy bill provides for an extra battle squadron, for which three additional battleships and two cruisers are to be constructed before 1920. The estimated additional annual cost is $24,250,000 this year, $31,750,000 next year, and $28,500,000 yearly afterwards. The army bill provides for an increase of 29,000 men, excluding officers, non-commissioned officers, and other details, in the peace footing in the army."

On the same day, the *Montreal Star* had an editorial commenting on French uneasiness over the Italian occupation of some of the Ægean Islands: Russia is in trouble over the Dardenelles. She "will likely force the pace." The Triple Entente (United Kingdom, France and Russia) may put pressure on Turkey.

"Under such circumstances, it is no wonder that alarmist telegrams come out of Berlin, telling us that the Balkan situation is very black, and that a crisis may come within twenty-four hours. A possibility of this sort is quite enough to make things look black at Berlin. No wonder that the new army and navy bill passes its third reading with a rush. Unless some intervention of force can be made, it looks as if the united diplomacy of the Triple Entente was about to score a second victory within the year.

"The two dangerous spots are the possible decision of Germany and Austria to risk all upon the gage of battle, they being backed by the powerful Turkish army; and the much more probable collapse of the Turkish Government under the blow, thus precipitating the partition of the Balkan peninsula. Either eventuality may mean a great European war. A war fought primarily in the Balkans would not, of course, necessarily be confined there; but operations in Western

(*a*) *Proceedings*, p. 5. Canada has increased her expenditure very largely since then.

Europe would be almost impossible for any Power, other than Germany, to initiate. If Germany and Austria decided to do their fighting in the East, it is not at all likely that either France or Britain would object; and yet Germany and Austria could put far heavier armies into the Balkans in a shorter time than Russia, Italy and France combined. Moreover, Turkey would fight with the Germanic Powers; and it is a question whether Bulgaria could move before it was overwhelmed. France, moreover, dare not send any troops to the East; for there would always be the possibility that Germany would suddenly turn around and rush her army by swift railway routes to the French frontiers. If the Germanic Powers, therefore, take up the challenge, it is by no means certain that even the four other Powers can win."

On the same day, the *Star*, under the heading "Why Europe's Markets are Depressed" quoted from the *London Statist* as follows:

"Political unsettlement and fears of monetary trouble in Germany have depressed all the European security markets. Paris is uneasy because of the Russian Government having brought about the resignation of the French Ambassador at St. Petersburg. France is also disturbed over the threatened rising of Moorish tribes. Vienna is also anxious. It suspects that the Russo-Italian understanding excites the Albanian and Macedonian troubles. Action against the dual monarchy is feared, and Austria-Hungary is not quite confident of Germany's support. From Paris comes the report that Russia and Italy intend to propose a conference of European powers to arrange peace between Italy and Turkey. The underlying truth is that all these rumors and apprehensions are traceable to the restlessness of Russia in finding herself shut in in the Black Sea, yet she has been unwilling to agree to open the Dardanelles to all powers."

The situation is not unusual. It is perfectly familiar. Morocco, from 1906 to 1911; Bosnia-Herzogovina in 1909—seldom are the Balkans out of view; Germany continuously since 1905; Persia and the Bagdad railway since 1908. That is the maelstrom which we are invited to enter. If any Canadian thinks that with the still small voice of sweet reasonableness he can make any impression upon it, let him try the power of his persuasiveness upon the whirlpool at Niagara.

British Protection: What if we decline to enter? If we dissociate ourselves from British wars, shall we not lose the protection which hitherto has been (as is sometimes said) so indispensably necessary to our existence? Shall we not be left an easy prey to Germany on the East, Japan on the West, and the United States on the south?

Attack from over sea has already been fully considered (Paper No. 6, pp. 149, 150). A possibility of successful invasion is not denied—for nothing can be said to be absolutely impossible—but its probability cannot be placed as high as one in a thousand. It is impracticable now, and every year renders the attempt less likely.

Attack from the United States, on the other hand, has always been possible. It has happened twice in regular war and several times by unauthorized raids. THE REASON, ON EVERY OCCASION, WAS OUR POLITICAL ASSOCIATION WITH THE UNITED KINGDOM. We have had quarrels of our own with the United States, which might have led to war, but did not. Why?

Of those two classes of quarrels with the United States, the first (those due to our connection with the United Kingdom) would cease by a declaration of our independence. In that event, another Trent affair or Venezuela episode would cause us no apprehension. When such difficulties may again arise, we cannot tell. The United Kingdom, for example, is now under treaty obligation to help Japan against the United States in certain eventualities. It is not long since a war between those countries was thought to be imminent. For the moment there is no cause for anxiety. What of the future? If it brings war, Canada will, for the third time, be the battle-ground in a quarrel between the United King dom and the United States—the two first foolish and the third in defence of Japan!

By refusing then to enter the maelstrom—by declaring our own independence—we should remove from the list of possible eventualities which might lead to our invasion by the United States, all those cases which in the past have produced such invasion, namely, all quarrels between the United Kingdom and the United States. On the other hand, we should be left without British aid in case of quarrel arising directly between us and the United States. Perfectly true, but of what service has it been to us in the past? And what may we expect from it in the future? Let us listen to Sir Charles Tupper:—

"I now come to a very important question, and that is the reluctance on the part of Her Majesty's government to do that with the United States that they would do with any other country in the world. I speak from intimate knowledge, and from my personal acquaintance and official association with both the great governing parties in England—because there were many changes of government while I held the position of High Commissioner, and I was necessarily thrown in relation to these matters, into intimate association with both—when I say that from 1868, when I had occasion to deal with an important question relating to Canadian interests with Her Majesty's government, down to the present hour, I have been struck very forcibly with the unwillingness on the part of Her Majesty's government to allow any circumstances whatever even to threaten a collision with the United States" (*a*).

As I have said before (*b*), I make no complaint of the traditional attitude of the United Kingdom towards the United States. Preservation of cordial relations was, as Mr. Chamberlain has said

(*a*) House of Commons, February 22, 1899.
(*b*) *Ante*, p. 63.

"something more than a desire, it is almost a religion" (*a*).

Such a policy may be mistaken but it is at least intelligible. And all that I wish to say about it is that it has effectively precluded the defence of the Canadian view of questions which from time to time have arisen between Canada and the United States. The United Kingdom, since 1904, has upheld France against Germany in a way that she never upheld Canada against the United States. I do not complain of that. It is quite natural. But it is a most perfect answer to the assertion that the United Kingdom has protected us in the past and would do so in the future.

With regard to the possibility of invasion by the United States, I have no apprehensions. I take the following positions:—

(1) We have no cause of quarrel with the United States.

(2) If any cause should arise, we can, at the worst, settle it in the fashion to which, until we took charge on the last occasion, we were so well accustomed.

(3) It would probably be settled that way, even if the present formal association with the United Kingdom were continued.

(4) We have no reason to anticipate mere wanton aggression: for

(*a*) The United States is, of all the great Powers, the least aggressive. She has been foremost in the effort to supplant war by arbitration. No other nation would have restored Cuba to the Cubans; or have so willingly submitted to arbitration with countries infinitely weaker than herself (Venezuela, Mexico, &c.)

(*b*) Annexation of Canada would be contrary to the business interests of large numbers of Americans. The farmers, the lumbermen, the fishermen and many others (as we have recently had reason to know) would oppose it.

(*c*) Party political reasons have always made difficult the incorporation of even United States territory as states of the Union. How would the new state vote? has always been the chief of all questions. Can any one believe that a United States President would overlook that point when considering whether he would incorporate nine new states against their will?

(5) No, it is not the hostility of the United States that I fear. And I should have no timidity about her friendship were Canada intent upon building up a nationality of her own. It is our own distractions that keep me anxious. Could we but get rid of imperialism and racialism, our future would be secure. Every year of their continuation leaves me with less of the unquestioning confidence in our

(*a*) Jebb: *The Imp. Conf* p. 316

future which I once had. Our geographical separation and our discordant economic interests are pulling us asunder. Nothing but Canadianism under a Canadian flag can save us from disintegration and engulfment.

Summarizing, we may say:—

(1) Continuation of the present political association with the United Kingdom might possibly be of advantage to us—

(*a*) In case of oversea attack. But the possibility is negligible.

(*b*) In case of attack by the United States. That possibility is but a bare possibility, and the hope of British assistance is also only a possibility.

(2) Political association with the United Kingdom has been the cause of all the wars in which we have been engaged, and all the raids to which we have been subjected.

(3) Continuation of the association may at any time plunge us into renewed war—

(*a*) With the United States.

(*b*) In any other part of the world.

(4) Such a war will certainly come some day. If soon, do we enjoy the prospect? If later, we must commence our preparations now. Our methods must change. We must enter the field of militarism(*a*).

(5) Whatever there may be in the statement as applied to Europe that preparation for war is the only security for peace, it finds few supporters upon this continent. Here, we proceed upon the contrary principle. The Franco-German boundary bristles with defensive arrangements. On our southern limit are a few old block-houses which serve to remind us of stupider days. During one hundred years of reciprocal unpreparedness, we have had no war, and but one or two little frights of war. Would anybody suggest that we should get ready to battle with the United States in order to ensure the continuation of our 100 years of peace? Ought we to erect dozens of fortresses (Niagara, Sault Ste Marie, &c.) and protect our exposed cities (St. John, Montreal, Winnipeg, Vancouver, &c.) with ramparts and embankments, in order that we might be quite certain that we should never need to use them?

Dangers: The responsibilities which Canada would assume by agreeing to participate in British wars may be divided into two categories:—

(*a*) I use the word in a sense assigned to it in Murray's dictionary, namely, "the tendency to regard military efficiency as the paramount interest of the State."

1. We should become responsible for all British engagements entailed by past British policy—divisible into (*a*) treaties, and (*b*) *ententes*.

2. We should assume responsibility for all future British foreign policy—a policy to be formulated by a council or cabinet, in which we would have a small minority voice; a policy to be settled by voices from countries whose apprehensions we do not share.

Treaties: In Mr. Gibson Bowles' book (*a*) may be found a list (to 1900) of British treaty obligations. It is in part as follows:—

"Thus she has guaranteed that Belgium 'shall form an independent and perpetually neutral state.'

"She has undertaken, 'in case of the attack of an invader, to protect Chusan and its dependencies.'

"She has guaranteed that the Grand Duchy of Luxembourg 'shall henceforth form a perpetually neutral state.'

"She has guaranteed the integrity and perpetual neutrality of Switzerland.

"She has guaranteed, as against Russia, the territories of Norway and Sweden.

"She has guaranteed 'the independence and territorial integrity' of the Ottoman Empire.

"She has guaranteed Greece as 'a monarchical, independent and constitutional state.'

"She has especially guaranteed as against Russia, all the Ottoman possessions in Asia.

"And most especially and most repeatedly has Great Britain guaranteed her most ancient ally, Portugal . . . . . to defend and protect all conquests or colonies belonging to the Crown of Portugal."

Mr. Bowles followed his enumeration by these words:

"Thus singly or together with other powers, Great Britain is under the most serious and solemn treaty engagements with respect to Belgium, Luxembourg, Switzerland, Sweden, Turkey, Portugal, Greece, Muscat, Persia and China—engagements which might at any time only be capable of being carried out by force, and for the forcible carrying out of which all her powers might not be too much."

To anyone in the least familiar with recent events, this list of obligations is full of significance and hazard. Belgium! The rapidity of the German victory in 1870 alone saved the United Kingdom from participation in the Franco-German war: and it was that very rapidity which has kept her nervous ever since. Luxembourg! Look at its place on the map. Turkey! Canada bound to fight for Turkey!

At the present time, Canada is under no obligation with respect to any of these treaties; is she willing to become responsible for all their liabilities?

(*a*) *Declaration of Paris*, pp. vii–ix.

Ententes and Future Policy: The existing *ententes*, and British future policy may be conveniently dealt with together—for the *ententes* are part of the policy of the recent past, the present, and the immediate future.

Until 1902, the war-policy of the United Kingdom may be expressed in Mr. Gladstone's words (1878):

> "The strength of England is not to be found in alliances, but is to be found henceforth in the efficiency and supremacy of her navy" (*a*).

"Splendid isolation" was the central maxim of British policy, and remained so until the close of the Boer war (1899–1902). Since that time, the Foreign Office has applied its energies to the cultivation of war-relations with other Powers, and has involved itself in engagements which, possibly, may in the future prove to be of value, but which, in the meantime, are a source of constant worry to the Foreign Secretary, and of embarrassment and danger to the United Kingdom.

Prior to the Boer war, the prospective enemy was Russia, and the *casus belli* was looked for in the east—in Afghanistan, in Persia, on the borders of India. During the war, came (1900) the prelude to the German scare in the shape of the German naval bill (*b*) with its significant preamble:

> "Germany must have a fleet of such strength that, even for the greatest naval Power, a war with her would involve such risks as to imperil its own supremacy."

And thus, at the close of the Boer war, the United Kingdom had, or thought she had, cause for apprehension from two quarters—Russia and Germany.

What was the rest of the situation? Germany, Austria and Italy were closely allied in the Dreibund; and, for protection against it, Russia and France had established cordial, although not treaty relations. Japan and Russia were sharply estranged. In her war with China, Japan had captured (1894) Port Arthur, the Manchurian stronghold; but at the bidding of Germany, France and Russia had been obliged to restore the place to China. Four years afterwards (1898) Russia obtained a lease of the fortress, took possession of it, and proceeded to establish herself throughout Manchuria, hardly concealing her designs upon Corea. In 1901, China was with difficulty restrained by other Powers from such concessions in Manchuria as

(*a*) Quoted by Mr. R. L. Borden, *Hans.*, 1909, 10, p. 1741.
(*b*) Preceded by the Kaiser's telegram to Kruger after the Jameson raid.

would have made it a Russian province; while Japan, anxious for expansion on the mainland, robbed as she thought of Port Arthur and through it of the hinterland, felt compelled (on account of French support of Russia) to abstain from active protest against Russian absorption of that to which she had the better claim.

Under these circumstances the true line of British policy was unmistakably clear. Russia and Germany were the sources of danger, but, fortunately, they were strongly antipathetic towards each other. The continuation of their mutual attitude of dislike and apprehension—their reciprocal cancellation—was, very plainly, the best thing a Britisher could wish.

Russia: Lord Lansdowne took precisely the opposite course. Afraid of Russia's designs on India, he enabled Japan to reduce her to impotence with the disastrous results: (1) that Germany was set free in Europe; (2) that apprehension of danger from Russia to India was transformed into dread of invasion of the United Kingdom by Germany; and (3) that Indians, in common with all other Asiatic nations, became less tolerant of alleged white superiority and more assertive of their own equality.

It is difficult to believe that on January 30, 1902, the United Kingdom made an agreement with Japan by which (1) the United Kingdom agreed to recognize that Japan was "interested in a peculiar degree politically" in Corea, and (2) that if Japan should become involved in war with another Power (meaning Russia) in the defence of her interests, and if

> "any other Power or Powers [meaning France] should join in hostilities against that ally [Japan], the other High Contracting Party [the United Kingdom] will come to its assistance, and will conduct the war in common and make peace in mutual agreement with it."

Thus released from fear of French intervention, Japan required a settlement with Russia, and, not being able to get it, declared war (February 5, 1904). The result we know. The short-sighted British policy was completely successful. Russia as a first-class Power ceased to exist. India was safe from Russian invasion. Its unrest began. The German scare commenced. The Pacific was abandoned.

Germany: What ought to have been the policy with reference to Germany? For over twenty years the Dreibund and the Dual *Entente* had faced one another on the continent, and the United Kingdom had stood aloof, free to act, at any time, as she might wish.

That ideal position might, indeed, have been impaired (as it was by the weakening of Russia) but it could not have been improved. Lord Lansdowne tried to improve it.

His idea was the creation of an *entente cordiale* with France—an *entente* that meant sympathetic co-operation with France in all her troubles with the Dreibund, including support for French aggression in Morocco, contrary to the international compact at Algeciras. What was Lord Lansdowne's object? If he had desired to flout Germany; to embitter relations with that country; to give an uncontrollable impulse, there, to preparation for defence against the British navy, he could have taken no more effective step. That of course was not his object, but that was the inevitable and easily foreseen result. Already, because of it, the United Kingdom and Germany have on three occasions been on the very verge of war (*a*).

And what did Lord Lansdowne get from France, in exchange for British sympathy and assistance? Nothing. There was no treaty. In case of war between the United Kingdom and Germany, does any one imagine that France would have attempted a campaign against Germany, Austria and Italy? Recent disclosures show us that, last year, some negotiations with a view to a secret Franco-German *entente* were actually on foot!

Present Position: Had the United Kingdom to re-live the last 13 years there is hardly anything that she has done, with reference to foreign affairs, that she would not leave undone. She would not have gone to war with the Transvaal. She would not have changed her traditional policy of "splendid isolation". She certainly would not have made the Japanese treaty of 1902. She might have settled her difficulties with France in 1904, but probably not upon a basis so favorable to France. She would not have involved herself in such relations with France as would naturally be construed by Germany as an alliance against her. She would certainly not have upheld, as against Germany, French disregard of the Algeciras agreement with reference to Morocco (1906). She would not have gone to the very verge of war with Germany last July, in support of the French view as to the amount of Congo territory France ought to cede to Germany in return for Germany's concessions in Morocco.

I should have hesitated to express my views so confidently were it not the fact that the present British government has reversed one part of the Lansdowne policy, and appears now to be making an effort to reverse the other part. The Japanese treaty

(*a*) See an instructive article in the *Nineteenth Century* for Feb., 1912, p. 217

has indeed been renewed (because the German scare required the withdrawal of all British battleships from the Pacific), but amicable relations have been established with Russia to such an extent that we now speak of the *triple entente*. The United Kingdom finds that a strong Russia is really *better* than a weak one. What a reversal of the idea of the first Japanese treaty. And as to Germany, the policy is no longer to be one of flouting and thwarting her, but (as quickly as the foolish past can be forgotten) of establishing a good understanding with, and a sympathetic cordiality towards her too (*a*).

Conclusion: These then are some of the dangers, very shortly stated which, for a small minority voice, Canada is asked to assume.

First, we are to become guarantors of the integrity of Belgium, of Luxembourg, of Turkey, etc.

And secondly, we are to become responsible for all the recent and future vagaries of British diplomacy. Had British foreign policy remained as it was prior to the Japanese treaty of 1902—one of isolated action—the responsibilities would have been indeed enormous. Now that the United Kingdom has entered upon a system of engagements—either expressly by treaty, or tacitly by *ententes*—a voice would be of still less value. What the next policy may be, we cannot tell. Are we willing to subscribe to it in advance?

DUTY

Discussion of war relations with the United Kingdom would be incomplete without some reference to the subject of Canada's duty.

Until the recent formulation by the Conservative party of its views, there were probably very many Canadians who would have confidently asserted the existence of an obligation on our part (moral if not legal) to put our forces and our money at the disposal of the British Government whenever called upon. If we had asked whether they meant that we ought to take part in any war that any government of the United Kingdom might choose to undertake, anywhere, at any time, and for any cause—whether to force opium on the Chinese, as in 1840; to help France in her absurd attack of 1854 upon Russia; to help the same country to overrun Morocco in 1911; to help Russia in her present proceedings in Northern

(*a*) Since the above was written the following has appeared in the *Montreal Star's* Telegraphic news from England: "Ever since the Morocco crisis there has been a decided split between the two great political parties on the question of foreign relations. The Liberals now want this country to be on equally good terms with France and Germany, whereas the Unionists aim at anti-German alliance. This is significant, in view of the possibility that the next general election will bring the Unionists back to power."

Persia; to help even Japan (in pursuance of treaty to that effect) against the United States—a moral duty to send our last man and our last dollar to aid in a war that we might think immoral—a moral duty to do as we were told, no matter how disastrous?—if we had asked that question, the reply would probably have been in the affirmative. And if we had asked for the grounds upon which the existence of such duty was based, we should have been given the following:—

(1) Canada is part of the British Empire, and it is the duty of all parts of it to defend its integrity.

(2) Gratitude for past and present favors and protection.

Unanimous assent to the proposal that there can be NO OBLIGATION WITHOUT REPRESENTATION renders unnecessary labored reply to these points, for we have agreed:—

(1) That we are under no obligation to participate in British wars unless we share in the control of the "issues of peace or war", and, at present, we have no such share;

(2) That nothing in the past or the present can qualify the assertion that without a share, there can be no obligation.

Perhaps, however, a short discussion of the two grounds upon which the existence of a duty is alleged may be useful.

Part of the British Empire: The first of them was recently argued at length by Professor Walton (*a*). One of his foundation statements was as follows:—

"An empire, which is not a unit for the purposes of defending its own existence, is a contradiction in terms."

Of the truth of that statement there can be no question. If we are part of the British Empire we must be, for the purposes of defence, a unit with it. But are we a part of the British Empire? Theoretically, yes. Theoretically, the British parliament has complete control over us. It can enroll every man of us in an imperial army, and shoot as rebels all recalcitrants. But that is the merest theory. As a matter of fact the British Parliament has no more authority in such matters in Canada than has the German Reichstag.

Examine the Professor's statement inversely. As a matter of fact—and of statute—our forces, both land and sea, are exclusively governed and regulated by ourselves. We are, therefore, *not* a unit with the United Kingdom for the purpose of defence. And we are, therefore, not, according to the Professor's own test, a part of the British Empire. The Professor knows all this perfectly, but he

(*a*) *University Mag.*, Feb. 1912.

has habituated himself to the use of the phrase *British Empire* as inclusive of Canada; he takes that as his postulate, and quite unreflectively deduces from it the statement that Canada must be a unit with the United Kingdom for purposes of defence—a result which is a glaring contradiction of admitted fact.

Another of the Professor's foundation statements is as follows:—

"If the British Empire has any reality about it at all, it must involve the duty of British subjects to defend it."

But the British Empire (as including Canada) has no reality about it. An Empire, as I have now so frequently said is

"an aggregate of subject territories ruled over by a sovereign state"(*a*).

Canada was at one time ruled over by Downing street. Thank Heaven, she now rules herself.

Even were we part of the British Empire—a state ruled over by the United Kingdom—would that involve our duty to participate in all the wars that the United Kingdom chose to undertake? I do not know where authority for an affirmative answer can be found; nor can I imagine the ground upon which the existence of the duty can be maintained.

Assertions something like it can be read in the imperialistic pamphlets of the seventeen-seventies, but nothing has been heard of it since the British parliament in 1778 acknowledged its invalidity.

It was a favorite notion of George III that the Empire was a unit for defence, but even he never imagined that his idea had as extensive an application as that insisted upon by the Professor. George declared that the colonies were bound to contribute *to their own defence.* The Professor (as I understand him) contends that we ought to contribute to British wars anywhere and everywhere. Asserting the unity of the Empire for the purpose of colonial defence (only), the Imperial parliament (1765-70) provided means of raising the American share of the necessary revenue. Denying the unity of the Empire (even for that limited purpose), the thirteen colonies revolted. Adhering to its view, the British parliament, while repealing former acts declared (1776) its authority to bind the colonies "in all cases whatsoever." The revolution proceeded, and the British parliament endeavored to stop it by renouncing (1788) its idea of the unity of the Empire for the purpose of even local defence. By statute it declared that

(*a*) *Ante*, p. 26.

"The king and parliament of Great Britain would NOT impose any duty, tax or assessment whatever, payable in any of His Majesty's colonies, provinces and plantations in North America or the West Indies, except only such duties as it might be expedient to impose FOR THE REGULATION OF COMMERCE; the net produce of such duties to be always paid and applied to and for the use of the colony, province or plantation in which the same shall be respectively levied, in such manner as other duties collected by the authority of the respective general courts or general assemblies of such colonies, provinces or plantations were ordinarily paid and applied."

Discussion of our duty, upon the basis of imperial association, produces, therefore, these most important results:—

(1) The legal duty of the American colonies, as declared by George III, was to contribute TO THEIR OWN DEFENCE.

(2) To enforce such contribution George asserted the unity of the Empire—that is, the existence of a controlling authority in the imperial parliament.

(3) The colonials admitted their duty to contribute to their own defence, but denied the authority of the imperial parliament. They denied that they and the United Kingdom were a unit, even for local defence. They asserted the existence of fourteen units.

(4) After three years' of fighting, the British parliament accepted the American view.

(5) Even George III never pretended that the Empire was a unit FOR IMPERIAL DEFENCE.

(6) Since his day and until the recent outbreak of imperialism, nobody had ever thought of re-asserting the unity of the Empire EVEN FOR COLONIAL PURPOSES.

(7) There is no such unity.

The whole theory of colonial empire is utterly inconsistent with the notion of the alleged duty. Colonies (in the modern European sense) were places of profit, not of strength. They were treasure-spots which the European metropolitan nations owned, and which had to be retained by military prowess. Spain, Portugal, Holland, France, Great Britain, fought one another for colonial empire because of its associated wealth, and it would have been ridiculously absurd to suggest that a colony was under duty, of any sort, to assist in the maintenance of the commercial monopoly which her metropolitan imposed upon her. Ought the Spanish colonies in South America to have assisted their metropolitan in the Napoleonic wars, rather than take advantage of them to assert their right to trade where they pleased?

There never has been (until recently) any suggestion that colonies owed such a duty. On the contrary, the war-duty of British colonies has always been perfectly understood as being limited (at the outside) to local defence. If attacked (as Canada was twice by the United States) the colony became active in her own defence, but there was nothing in the colonial relationship which required participation in foreign wars. Books may be searched in vain for any such view. Can any one with the slightest knowledge of the history of the British colonial empire imagine British enunciation, at any period, of a duty on the part of colonials to send men and money to wars outside their colony? Did any one ever hear of a demand for such tribute, or, of any Britisher conceiving such a bit of folly?

View of the Government of the United Kingdom: One of the benefits of the conferences has been the opportunity which they have afforded of defining, more clearly, the political relationship of the various parts of the King's dominions. Let us see what has been done with reference to the matter under discussion.

At the 1902 meeting, the British War Office presented a memorandum in which was the following:—

"Prior to the outbreak of the war in South Africa, so far as any general scheme for the defence of the Empire as a whole has been considered, it was assumed that the MILITARY RESPONSIBILITIES OF OUR GREAT SELF-GOVERNING COLONIES WERE LIMITED TO LOCAL DEFENCE, and that the entire burden of furnishing re-enforcements to any portion of the empire against which a hostile force might be directed must fall on the regular army" (*a*).

Very clearly, then, there was no such duty as is alleged up to 1899. We were willing to help, but we were under no obligation to do so; and when Mr. Chamberlain wanted us to give some pledge for the future, we declined to give it. We said that the matter would be considered "when the need arose."

The proceedings of the sub-conference of 1909 "on the naval and military defence of the empire" were in perfect accordance with the attitude of the 1902 meeting. The main point agreed to was stated as follows:—

"That each part of the Empire is willing to make its preparations on such lines as will enable it, SHOULD IT SO DESIRE, to take its share in the general defence of the Empire" (*b*).

(*a*) *Proceedings*, pp. 47, 8.
(*b*) Cd. 4948, p. 19. And see p. 38.

In reporting to the House of Commons the result of the sub-conference, Mr. Asquith said:

"The result is a plan for so organizing the forces of the crown wherever they are, that while preserving the complete autonomy of each dominion, SHOULD THE DOMINIONS DESIRE TO ASSIST IN THE DEFENCE OF THE EMPIRE in a real emergency, their forces could be rapidly combined into one homogeneous imperial army" (*a*).

Precisely the same conception underlay the proceedings of the conference of last year, when our separate control of our naval forces was clearly and expressly declared in the following terms:—

"The naval services and forces of the Dominion of Canada and Australia will be EXCLUSIVELY under the control of their respective governments (*b*)."

Probably my point has been sufficiently made, but I may add a sentence from a book written by Mr. A. B. Keith (one of the best informed men in the Colonial Office) who, when discussing the right of a Governor-General to place colonial troops under a British officer, said that such

"doctrine would involve the theory that the imperial government could insist on colonial forces taking part in a war, a doctrine opposed to the fundamental principles of self-government, which LEAVES IT TO A COLONY TO DECIDE HOW FAR IT WILL PARTICIPATE IN WARS DUE TO IMPERIAL POLICY" (*c*).

Summary: The foregoing discussion demonstrates the following:

1. Assertion of duty to participate in British wars cannot be based upon the idea that Canada is part of the British Empire, and forms a unit with it for purposes of defence.

(*a*) Because Canada is nominally only, and not really, a part of the British Empire.

(*b*) Because as a matter of admitted and statutory fact, Canada is not a unit with the British Empire for purposes of defence.

2. Even were Canada a part of the British Empire, she would not be bound to participate in British wars—

(*a*) Because such participation has never been considered to result from the colonial relationship.

(*b*) Because George III, himself, limited his assertion of the unity of the Empire, for war purposes, to colonial defence, and never pretended to extend it to other wars.

(*a*) *Ibid*, p. 19.
(*b*) Cd. 5746-2, p. 1.
(*c*) *Responsible Government in the Dominions*, p. 198.

(*c*) Because the imperial parliament in 1788 abandoned the idea of unity for war purposes, even with reference to colonial defence.

3. The British government has, on various occasions, admitted the non-existence of a duty on the part of the colonies to participate in British wars.

Gratitude: If we are under no legal duty to participate in British wars, ought we to do so as a matter of gratitude for—for what?

1. Ought we to be grateful—that is, ought we to continue, forever, to furnish the United Kingdom with men and money for all her wars—because in the course of the European scramble for colonies, she took Canada from France?

Ought French Canadians (whom she defeated then) to be willing, for that reason alone, one hundred and fifty years afterwards, to fight for her against Russia in Afghanistan?

Ought all subsequent Canadian immigrants—English, Scotch, Irish and others—to be willing, for that reason alone, to pledge their lives and their fortunes in support of foreign policies over which they have no control?

Professor W. L. Grant of Kingston tells us that during the negotiations for the treaty of 1763, those who advocated the retention by Great Britain of Guadaloupe rather than Canada

"had distinctly the better of the arguments; in the negotiations of 1761-2, Choiseul made little attempt to retain it, and Great Britain took it almost solely IN ORDER TO FREE HER AMERICAN COLONIES FROM FEAR OF INDIAN AND COUREUR-DE-BOIS" (*a*).

Do we still owe fighting gratitude because, for the sake of repose, Great Britain took from France what was called, at the time, "a few acres of snow" rather than a rich sugar island?

2. Ought we to be grateful for the stupidity which provoked the American war of independence, and the consequent invasion of Canada?

Ought, particularly, the United Empire Loyalists to be grateful for the war which cost them their homes? Colonel Geo. T. Denison has said—

"Misunderstandings, negligence, ignorance, what Lord Charles Beresford describes as the 'savage stupidity' of the British government of 1774-6, led to the loss by the Empire of the thirteen colonies. But it meant more to the loyal

(*a*) *Queen's Quarterly*, March 1912, pp. 273, 4.

adherents to the Crown in the colonies. It meant to about 100,000 of them exile and the loss of their possessions. It meant hardships, sufferings, privation and want" (*a*).

Ought anybody to be grateful for that?

3. Ought we to be grateful for the shameful surrender of Canadian territory to the United States at the close of the war of independence?

Ought we to be grateful because territory which now forms the states of Ohio, Indiana, Illinois, Wisconsin, Michigan and part of Minnesota was taken from the loyal colony of Canada (then Quebec) and handed over to the rebellious United States, in order to placate them and secure their trade good-will? The United Empire loyalists wanted to remove to the west rather than to the Canadian north. Ought they to be grateful that Lord Shelburne gave it away?

4. Ought we to be grateful because the rebellious colonies were given admission to the coast fisheries of the loyal colonies, and because the loyal fishermen were excluded from the shores of the rebel colonies? Americans still have rights in Canadian waters and give us plenty of trouble. Ought we to be grateful for that?

5. Ought we to be grateful because after the United States had forfeited its fishery rights, by the war of 1812, a large part of them was re-granted because (as Lord Bathurst put it) the British Government felt

"that the enjoyment of the liberties formerly used by the inhabitants, of the United States may be very conducive to their national and individual prosperity" (*b*).

6. Ought we to be grateful because by the joint effect of the treaties of 1783 and 1818, all those parts of the States of Dakota and Minnesota watered by the Red River were taken from the Hudson Bay Company, and handed over to the United States?

7. Ought we to be grateful because by the joint effect of the treaties of 1783 and 1842 part of the state of Maine forms a wedge between New Brunswick and Quebec?

8. Ought we to be grateful because of the concession to the United States of almost the whole of the State of Washington?

9. Ought we to be grateful for Lord Alverstone?

10. Ought we to be grateful because throughout all our controversies with the United States, British diplomacy has been dominated (as Sir Charles Tupper has told us) by an

(*a*) *Westminster Rev.*, September 1895, p. 249.
(*b*) Bathurst to Adams, October 30, 1815.

"unwillingness.... to allow any circumstances whatever even to threaten a collision with the United States" (*a*).

—because as Mr. Chamberlain has said, preservation of cordial relations with the United States has been

"something more than a desire; it is almost a religion"? (*b*).

—because of the well ascertained answer to Mr. J. Castell Hopkins' question:—

"What were territorial rights, or the future interests of Canadians, or the development of British power on the American continent, in comparison with an undisturbed peace which might facilitate the sale of a few more bales of cotton goods, and promote immunity from increased responsibility, or a little more taxation?" (*c*).

11. Ought we to be grateful because of the voluntary admission of the United States fishermen to the Bay of Fundy, and the refusal to exclude them from all the other bays which were clearly ours?

12. Ought we to be grateful for the treaty of Washington (1871) against which Sir John A. Macdonald protested so vigorously—grateful for the work of British negotiators who, as Sir John said, had

"only one thing in their minds—that is to go home to England with a treaty in their pockets settling everything, no matter at what cost to Canada" (*d*).

13. Ought we to be grateful for the seizure of our sealing schooners by American cruisers? The United States, in 1861, stopped a British ship in the Atlantic; took from it two American rebel citizens, and let it proceed. For that, the United Kingdom made summary demand for reparation (the United States being then in the midst of her civil war). But in 1886 and 1887 the seizure of twelve Canadian schooners and their whole crews in the Pacific, and the subsequent fining and imprisonment of the captains evoked from the British Government little more than the expression of a good-natured desire for better conduct. The United Kingdom became excited and angry when two foreigners were taken from one of her ships. She remained quiescent and indifferent while, during two years, not foreigners, but Canadians, and not merely Canadians but their ships were forcibly taken to a foreign country. Both events happened in open ocean.

(*a*) House of Commons, Feb. 22, 1899. The Trent affair, when the United States was engaged in the civil war, is the only exception.
(*b*) Jebb. *The Imperial Conference*, p. 316.
(*c*) *The Story of the Dominion*, p. 624.
(*d*) Jos. Pope: *Life of Sir John A. Macdonald*, vol. 2, p. 105.

14. Ought we to be grateful for the earlier days of our civil government—because the Colonial Office, taking warning by American independence, reversed its attitude to colonies, and instead of allowing us to govern ourselves, worried us with close supervision of the most trivial particulars of our local affairs?

15. Ought we to be grateful for Colonial Office management of our post office, and the exaction of thousands of pounds per annum in extortionate charges?

16. Ought we to be grateful for the swarm of useless officials who had influence enough to get themselves imposed upon us?

Ought we to be grateful for the system by which many of those people remained at home; performed or neglected their duties by deputy; and pocketed a share of the income?

Ought we to be grateful for the system by which many of them were permitted to charge exorbitant and indefensible fees?

17. Ought we to be grateful for the methods employed by the governors with respect to our lands—for its lavish distribution, by the township, among those who wanted it merely that they might make the rest of us pay them their price for it? Ought we to be grateful for the Canada Company?

18. Ought we to be grateful for the imposition upon us of a state-endowed church—which we found so difficult to get rid of.

19. Ought we to be grateful for the endeavors to establish an aristocracy, for the primogeniture laws, for the Lords-Lieutenants of Counties, for the influences which produced the Family Compact?

20. Ought we to be grateful for the gubernatorial provocations which incited the rebellions of 1837-8? Ought we to be thankful for the Gosfords, the Francis Heads, the Metcalfes and others? Col. Geo. T. Denison has said:—

"Mismanagement and the want of knowledge of Canadian affairs on the part of the Colonial Office brought on the dissatisfaction which culminated in the so-called rebellion of 1837" (*a*).

Ought we to be grateful for that?

21. Ought we to be grateful for the stupidities which led to the 1812 war?

22. Ought we to be grateful for the commercial system by which, until the eighteen-forties, we were kept hampered and stunted with laws which very largely (1) prevented us purchasing elsewhere than in the United Kingdom, (2) prevented us selling elsewhere than in the United Kingdom, and (3) prevented foreign ships entering our ports?

(*a*) *Westminster Review*, September 1895, p. 251.

23. Ought we to be grateful because, when our trade-relations had been thus firmly fixed, they were suddenly and without the slightest regard to our interests, and in utter subversion of some of them, reversed? Ought we to be grateful for that which led to the only organized movement that there has ever been in Canada for annexation to the United States?

24. Ought we to be grateful because, when (by the introduction of free trade ideas) our trade had been opened to all nations and we had, therefore, ceased to be of any commercial value, we were told to "loose the bands and go"?

25. Ought we to be grateful because, now that our commercial value (through our grant of trade preference) and our military assistance have become matters of importance, we are adjured to tighten the bands and stay?

For what are we to be grateful? A short time ago I was asked to remember that the United Kingdom gave us our whole North-west for a nominal consideration. She did not. More than two hundred years previously (May 13, 1670), Charles II had granted to his cousin, Prince Rupert and others

"the sole trade and commerce of all those seas, straits, bays, rivers, lakes, creeks and sounds, in whatsoever latitude they shall be, that lie within the entrance of the straits commonly called Hudson's Straits, TOGETHER WITH ALL THE LANDS AND TERRITORIES upon the countries, coasts and confines of the seas, bays, etc., aforesaid, that are not already actually possessed by or granted to any of our subjects, or possessed by the subjects of any other Christian Prince or State."

Canada bought the North-west from the Hudson Bay Company for $1,500,000, and the company was to retain, and did retain, all its posts and stations (among others a large part of Winnipeg), and one twentieth of all farm lands. These properties, through our development of the country, have been and will be worth many more millions to the company. The British shareholders are probably a little grateful for Canadian effort and enterprise. They ought to be (*a*).

There were still some outlying territories in Ungava and the Arctic which were not part of our territory. The United Kingdom gave them to us. They were worth nothing to her, but nevertheless

(*a*) As I write, the following appears in the newspapers: "Property to the total value of $2,560,650 has been sold in the portion of the Hudson Bay reserve recently thrown on the market; up to 3 o'clock yesterday afternoon, in Edmonton alone the value of the lots sold is $1,860,500, a total of 486 lots having been disposed of to date."

I raise my hat and acknowledge the gift. Remember, however, that the action was quite in accordance with her later policy. She has done her best to transfer Swaziland and Basutoland (most valuable territories) to the Union of South Africa. The natives have protested and for the present the matter remains unsettled. There were no protesters in Ungava and the Arctic. Heligoland was transferred to Germany (1890) in spite of protests.

To assert that the motives of the United Kingdom in her dealings with Canada have been philanthropic, is foolish. They were not. We may, indeed, be thankful that they were less sordidly rapacious than those of some other metropolitan countries; but they were necessarily and unavoidably selfish rather than altruistic. Count up what our connection with the United Kingdom has cost us—in wars and raids as well as in obstruction and retardation of our natural development—and we might almost subscribe to the generalization of Sir Richard Cartwright that we owe her nothing but a great deal of christian forgiveness.

But we owe her more than that. I believe that it is something to have had our parentage in the British isles. The people there are far from perfect, but they have an aggregate of qualities that has given them, in many respects, the leadership of the world. We are grateful for such of those qualities as we may have retained. We are grateful for the maintenance, in the old land, of such of them as we have failed to continue. And we are grateful to our ancestors chiefly for their splendid struggle for self-government. Without that example and inspiration those of us who have made Canada what it is might still be the "colonials" of those who stayed at home.

RECAPITULATION.

A recapitulation of this and the preceding Paper may be useful:

1. The Borden government has determined

"that the naval policy of the late government should not be continued" (*a*).

2. A new policy is to be formulated. It is to be of a permanent character (*b*).

3. "When that policy is brought down, it shall be presented to parliament, and the people of this country shall be given an opportunity to pronounce upon it" (*c*).

(*a*) *Ante*, p. 288.
(*b*) *Ante*, pp. 244, 245, 272, 273.
(*c*) *Ante*, p. 288. And see p. 245.

4. The opportunity is to be by a general election, and not by a referendum (*a*).

5. The new policy is not to be one of cash contributions—unless, possibly, in an emergency (*b*).

6. The new policy assumes

"that the proper line upon which we should proceed.... is the line of having a Canadian naval force of our own" (*c*).

7. During the past

"we were not necessarily drawn into the foreign wars of England" (*d*).

8. The Laurier government (in Mr. Monk's and Mr. Doherty's view) have compromised our freedom. If its policy were carried out

"we shall find ourselves in the position that we become responsible.... for the whole foreign policy of the Empire" (*e*).

9. The formulation of a new policy

"involves very large and wide considerations" (*f*).

It involves

"in the closest way the relations between the self-governing Dominions and the mother-country" (*g*).

Before any policy is settled

"we must know where we were standing within the Empire" (*h*).

10 "If Canada and the other Dominions of the Empire are to take their parts as nations of this Empire, in the defence of the Empire as a whole", those Dominions must have a voice "in the councils of the Empire touching the issues of peace or war throughout the Empire" (*i*).

(*a*) *Ante*, p. 243.
(*b*) *Ante*, p. 251.
(*c*) *Ante*, pp. 251, 270.
(*d*) *Ante*, pp. 273, 4, 7.
(*e*) *Ante*, pp. 273, 282. And see per Mr. Sproule, p. 285.
(*f*) *Ante*, pp. 273, 284, 8.
(*g*) *Ante*, p. 288.
(*h*) *Ante*, p. 288.
(*i*) *Ante*, p. 245.

"—an effective voice in the governing and determination of the foreign relations of the Empire" (*a*).

"—a voice, and a real voice in the control of the foreign policy of the Empire" (*b*).

11. The Liberal party heartily concurs in that declaration (*c*). It may be summarized in the words NO OBLIGATION WITHOUT REPRESENTATION.

12. The difficulties of making an arrangement with the United Kingdom upon that basis are overwhelming:—

(*a*) Colonial supervision of the ordinary work of the British Foreign Secretary cannot be suggested.

(*b*) An advisory voice is not a "real" voice, nor an "effective" voice in the "issues of peace or war". It would not be a fulfillment of the stipulated condition.

(*c*) A proposal of an advisory voice at the last imperial conference was condemned by every Dominion except New Zealand. Mr. Asquith said that

> "it would impair, if not altogether destroy, the authority of the government of the United Kingdom in such grave matters as the conduct of foreign policy, the conclusion of treaties, the declaration and maintenance of peace, or the declaration of war, and, indeed, all those relations with foreign powers, necessarily of the most delicate character, which are now in the hands of the imperial government, subject to responsibility to the imperial parliament. THAT AUTHORITY CANNOT BE SHARED, and the co-existence side by side with the cabinet of the United Kingdom, of this proposed body —it does not matter by what name you call it for the moment—clothed with the functions and jurisdiction which Sir Joseph Ward proposed to invest it with, would, in our judgment, BE ABSOLUTELY FATAL TO OUR PRESENT SYSTEM OF RESPONSIBLE GOVERNMENT" (*d*).

(*d*) Practical difficulties preclude the possibility of the grant of an advisory voice (*e*).

13. Exercise of a real and

"effective voice in the governing and determination of the foreign relations of the Empire"

(*a*) *Ante*, p. 275.
(*b*) *Ante*, p. 276.
(*c*) *Ante*, p. 248.
(*d*) *Proceedings*, p. 46.
(*e*) *Ante*, p. 294 ff.

means admission to the sessions of the British Cabinet and a right to vote there. That cannot be suggested.

14. An alliance or an *entente cordiale* is the only practical war-relationship between Canada and the United Kingdom, and grave difficulties stand in the way of the former of these.

15. The dangers and responsibilities attendant upon confederation, for war purposes, with the United Kingdom, are enormous.

16. And it would yield no corresponding benefits—

(*a*) Possibility of over-sea attack is negligible.

(*b*) Attack by the United States is possible—

We have several times suffered from it.

But always because of our connection with the United Kingdom.

And never because of a quarrel of our own.

By independence we should eliminate the class of possibilities which hitherto has alone bred attack.

And the risk of attack in respect of our own possible quarrels is negligible.

In any case we could not count upon British assistance; for, with the British government, cordial relations with the United States is a religion.

17. We are under no obligation, either legal or moral, to participate in British wars.

18. DECLARATION OF OUR ADOPTION OF THE PRINCIPLE OF NO OBLIGATION WITHOUT REPRESENTATION IS, IN VIEW OF THE IMPRACTICABILITY OF REPRESENTATION, NOT FAR REMOVED FROM A DECLARATION OF INDEPENDENCE.

JOHN S. EWART.

OTTAWA, June 1912.

END OF VOLUME I.

Correction: The first quotation on page 251 is inaccurate. The resolution was moved in that form, but was amended before being voted upon. It is given correctly upon page 271.

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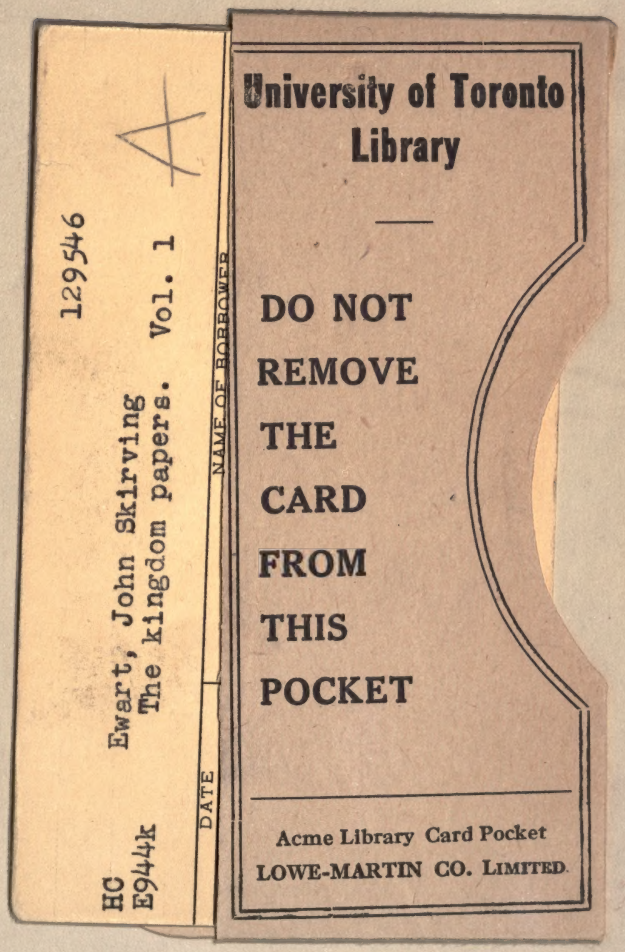
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